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Attorneys for Defendant FlixBus, Inc.

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

ESTATE OF JACKELINE CHAVEZ, by
and through its Successor-in-interest,
ELBA PARRA,

Plaintiff,

v.

FLIXBUS, INC., and DOES 1 to 50,
inclusive,

Defendants.

Case No.

NOTICE OF REMOVAL

Action Filed: 8/24/2023

Trial Date: Not Set

**TO THE CLERK OF THE ABOVE-ENTITLED COURT AND ALL PARTIES
AND THEIR ATTORNEYS OF RECORD:**

PLEASE TAKE NOTICE THAT Defendant FlixBus, Inc. hereby removes to this Court the state court action described below.

1. On August 24, 2023, the estate of Jackeline Chavez filed a complaint through its Successor-in-interest, Elba Barra in the Los Angeles County Superior Court. The matter is styled Estate of Jackeline Chavez, by and through its Successor-in-interest, Elba Parra v. FlixBus, Inc. and Does 1 to 50 inclusive, Docket No. 23STCV20361. A true and correct copy of the superior court complaint is attached hereto as **Exhibit A**.

2. FlixBus, Inc., was served a copy of the complaint on January 22, 2024. A true and correct copy of the Proof of Service is included in **Exhibit A**.

3. This Notice of Removal is filed within 30 days of service of plaintiff's complaint on FlixBus, Inc.

4. FlixBus, Inc. filed an answer to plaintiff's unverified complaint in the Los Angeles County Superior Court on February 13, 2024. A true and correct copy of the Answer is attached hereto as **Exhibit B**.

5. FlixBus, Inc. states upon information and belief that the parties to this action were of diverse citizenship at the time the action was filed and that they continue to be of diverse citizenship as of the date of the filing of this Notice of Removal. FlixBus, Inc. further states upon information and belief that the matter in controversy in this action exceeds \$75,000.

6. According to plaintiff's complaint, plaintiff Jackeline Chavez was a citizen of the State of California at the time of her death on August 10, 2022. See, Complaint, **Exhibit A**, p. 1, ¶ 1, line 23.

7. The successor-in-interest, Elba Parra is a citizen of the State of Arizona. See, Complaint, **Exhibit A**, p. 1, ¶ 1, line 24.

7. FlixBus, Inc. is a business entity that was incorporated in the State of Delaware. The principal place of business is in the State of Texas. FlixBus, Inc. is therefore a citizen of the State of Delaware and of the State of Texas for purposes of diversity jurisdiction. 28 USC § 1332(c)(1).

8. Upon information and belief, no defendant served in this action is a citizen of the State of California.

9. Venue is proper in the Central District of California because the state court action is pending in this district and because a substantial portion of the events or omissions giving rise to the claim are alleged to have occurred in the Central District. 28 USC § 1391(b)(2).

10. This Court has original jurisdiction over this claim pursuant to 28 USC § 1332 because it is a civil action between citizens of different states with an amount in controversy in excess of \$75,000. 28 USC § 1332(c)(1).

11. FlixBus, Inc. is the only non Doe defendant named in the action. No other defendant has been served in the state court action to the knowledge of FlixBus, Inc. Doe

1 defendants do not need to be notified or joined to this Notice of Removal. See Fristoe v.
2 Reynolds Metals Co., (9th Cir. 1980) 615 F.2d 1209, 1213.

3 12. FlixBus, Inc. is not aware of any related matter pending in this district.

4 13. FlixBus, Inc. will promptly serve plaintiff with this Notice of Removal and
5 will promptly file a copy of this Notice with the state court as required by 28 USC §1446(d).

6 WHEREFORE, Defendant FlixBus, Inc. respectfully requests that this action be
7 removed to this Court.

8 Dated: February 16, 2024

McCAFFERY | HOSKING LLP

9
10 By: 

JEFFREY D HOSKING

Attorneys for Defendant FLIXBUS, INC.

McCAFFERY | HOSKING LLP
1777 Botelho Drive, Suite 360
Walnut Creek, CA 94596-5084
925.705.7358

EXHIBIT A



CT Corporation
Service of Process Notification
01/22/2024
CT Log Number 545578244

Service of Process Transmittal Summary

TO: Gene Nichols
Flix North America Inc.
315 CONTINENTAL AVE
DALLAS, TX 75207-4303

RE: Process Served in California

FOR: FlixBus, Inc. (Domestic State: DE)

ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:

TITLE OF ACTION:	Re: ESTATE OF JACKELINE CHAVEZ, by and through its Successor-in-interest, ELBA PARRA // To: FlixBus, Inc.
CASE #:	23STCV20361
NATURE OF ACTION:	Personal Injury - Vehicle Collision
PROCESS SERVED ON:	C T Corporation System, GLENDALE, CA
DATE/METHOD OF SERVICE:	By Process Server on 01/22/2024 at 08:17
JURISDICTION SERVED:	California
ACTION ITEMS:	SOP Papers with Transmittal, via UPS Next Day Air Image SOP Email Notification, Gene Nichols gene.nichols@flixbus.com Email Notification, Lisa Zemanek lisa.zemanek@flixbus.com Email Notification, George Cervantes george.cervantes@flixbus.com
REGISTERED AGENT CONTACT:	C T Corporation System 330 N BRAND BLVD STE 700 GLENDALE, CA 91203 877-564-7529 MajorAccountTeam2@wolterskluwer.com

The information contained in this Transmittal is provided by CT for quick reference only. It does not constitute a legal opinion, and should not otherwise be relied on, as to the nature of action, the amount of damages, the answer date, or any other information contained in the included documents. The recipient(s) of this form is responsible for reviewing and interpreting the included documents and taking appropriate action, including consulting with its legal and other advisors as necessary. CT disclaims all liability for the information contained in this form, including for any omissions or inaccuracies that may be contained therein.



PROCESS SERVER DELIVERY DETAILS

Date: Mon, Jan 22, 2024
Server Name: Michael Barreto

Entity Served	FLIXBUS INC
Case Number	23STCV20361
Jurisdiction	CA

Inserts		



SUM-100

SUMMONS (CITACION JUDICIAL)

NOTICE TO DEFENDANT: (AVISO AL DEMANDADO):

FLIXBUS INC. and DOES 1 through 50, Inclusive,

YOU ARE BEING SUED BY PLAINTIFF: (LO ESTÁ DEMANDANDO EL DEMANDANTE):

ESTATE OF JACKELINE CHAVEZ, by and through its Successor-in-interest, ELBA PARRA

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

Electronically FILED by
Superior Court of California,
County of Los Angeles
8/24/2023 2:50 PM
David W. Slayton,
Executive Officer/Clerk of Court,
By Y. Ayala, Deputy Clerk

NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association. **NOTE:** The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case. **¡AVISO! Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.**

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.sucorte.ca.gov) o poniéndose en contacto con la corte o el colegio de abogados locales. **AVISO:** Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 ó más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.

The name and address of the court is:
(El nombre y dirección de la corte es): Stanley Mosk Courthouse
111 N Hill St, Los Angeles, CA 90012

CASE NUMBER:
(Número del Caso):

23ST CV 20361

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:
(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):
Jonathan Seber (SBN 282563) 280 S. Beverly Drive, Penthouse Suite Beverly Hills, California 90212 (310) 651-7438

DATE:
(Fecha) 08/24/2023Clerk, by David W. Slayton, Executive Officer/Clerk of Court, Deputy
(Secretario) Y. Ayala (Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)

(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).

[SEAL]



NOTICE TO THE PERSON SERVED: You are served

- ☐ as an individual defendant.
- ☐ as the person sued under the fictitious name of (specify):
- ☒ on behalf of (specify): FLIXBUS INC.
under: ☒ CCP 416.10 (corporation) ☐ CCP 416.60 (minor)
☐ CCP 416.20 (defunct corporation) ☐ CCP 416.70 (conservatee)
☐ CCP 416.40 (association or partnership) ☐ CCP 416.90 (authorized person)
☐ other (specify):
- ☐ by personal delivery on (date):

Page 1 of 1

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Jonathan Seber (SBN 282563) 280 S. Beverly Drive, Penthouse Suite Beverly Hills, California 90212 TELEPHONE NO.: (310) 651-7438 FAX NO. (Optional): (310) 597-4707 E-MAIL ADDRESS: jonathan@seberbulgerlaw.com ATTORNEY FOR (Name): Plaintiff ESTATE OF JACKELINE CHAVEZ		FOR COURT USE ONLY Electronically FILED by Superior Court of California, County of Los Angeles 8/24/2023 2:50 PM David W. Slayton, Executive Officer/Clerk of Court, By Y. Ayala, Deputy Clerk	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES STREET ADDRESS: 111 N Hill St MAILING ADDRESS: 111 N Hill St CITY AND ZIP CODE: Los Angeles, 90012 BRANCH NAME: Stanley Mosk Courthouse			
CASE NAME: ESTATE OF JACKELINE CHAVEZ v. FLIXBUS INC.			
CIVIL CASE COVER SHEET <input checked="" type="checkbox"/> Unlimited (Amount demanded exceeds \$25,000) <input type="checkbox"/> Limited (Amount demanded is \$25,000 or less)		Complex Case Designation <input type="checkbox"/> Counter <input type="checkbox"/> Joinder Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)	CASE NUMBER: 23ST CV 20361 JUDGE: DEPT.:

Items 1–6 below must be completed (see instructions on page 2).

1. Check **one** box below for the case type that best describes this case:

Auto Tort <input checked="" type="checkbox"/> Auto (22) <input type="checkbox"/> Uninsured motorist (46) Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort <input type="checkbox"/> Asbestos (04) <input type="checkbox"/> Product liability (24) <input type="checkbox"/> Medical malpractice (45) <input type="checkbox"/> Other PI/PD/WD (23) Non-PI/PD/WD (Other) Tort <input type="checkbox"/> Business tort/unfair business practice (07) <input type="checkbox"/> Civil rights (08) <input type="checkbox"/> Defamation (13) <input type="checkbox"/> Fraud (16) <input type="checkbox"/> Intellectual property (19) <input type="checkbox"/> Professional negligence (25) <input type="checkbox"/> Other non-PI/PD/WD tort (35) Employment <input type="checkbox"/> Wrongful termination (36) <input type="checkbox"/> Other employment (15)	Contract <input type="checkbox"/> Breach of contract/warranty (06) <input type="checkbox"/> Rule 3.740 collections (09) <input type="checkbox"/> Other collections (09) <input type="checkbox"/> Insurance coverage (18) <input type="checkbox"/> Other contract (37) Real Property <input type="checkbox"/> Eminent domain/Inverse condemnation (14) <input type="checkbox"/> Wrongful eviction (33) <input type="checkbox"/> Other real property (26) Unlawful Detainer <input type="checkbox"/> Commercial (31) <input type="checkbox"/> Residential (32) <input type="checkbox"/> Drugs (38) Judicial Review <input type="checkbox"/> Asset forfeiture (05) <input type="checkbox"/> Petition re: arbitration award (11) <input type="checkbox"/> Writ of mandate (02) <input type="checkbox"/> Other judicial review (39)	Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400–3.403) <input type="checkbox"/> Antitrust/Trade regulation (03) <input type="checkbox"/> Construction defect (10) <input type="checkbox"/> Mass tort (40) <input type="checkbox"/> Securities litigation (28) <input type="checkbox"/> Environmental/Toxic tort (30) <input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41) Enforcement of Judgment <input type="checkbox"/> Enforcement of judgment (20) Miscellaneous Civil Complaint <input type="checkbox"/> RICO (27) <input type="checkbox"/> Other complaint (not specified above) (42) Miscellaneous Civil Petition <input type="checkbox"/> Partnership and corporate governance (21) <input type="checkbox"/> Other petition (not specified above) (43)
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2. This case ☐ is ☒ is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
- | | |
|--|--|
| a. <input type="checkbox"/> Large number of separately represented parties
b. <input type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve
c. <input type="checkbox"/> Substantial amount of documentary evidence | d. <input type="checkbox"/> Large number of witnesses
e. <input type="checkbox"/> Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court
f. <input type="checkbox"/> Substantial postjudgment judicial supervision |
|--|--|
3. Remedies sought (check all that apply): a. ☒ monetary b. ☐ nonmonetary; declaratory or injunctive relief c. ☐ punitive
4. Number of causes of action (specify): Two
5. This case ☐ is ☒ is not a class action suit.
6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: August 24, 2023

Jonathan Seber

(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

Page 1 of 2

INSTRUCTIONS ON HOW TO COMPLETE THE COVER SHEET

CM-010

To Plaintiffs and Others Filing First Papers. If you are filing a first paper (for example, a complaint) in a civil case, you **must** complete and file, along with your first paper, the Civil Case Cover Sheet contained on page 1. This information will be used to compile statistics about the types and numbers of cases filed. You must complete items 1 through 6 on the sheet. In item 1, you must check **one** box for the case type that best describes the case. If the case fits both a general and a more specific type of case listed in item 1, check the more specific one. If the case has multiple causes of action, check the box that best indicates the **primary** cause of action. To assist you in completing the sheet, examples of the cases that belong under each case type in item 1 are provided below. A cover sheet must be filed only with your initial paper. Failure to file a cover sheet with the first paper filed in a civil case may subject a party, its counsel, or both to sanctions under rules 2.30 and 3.220 of the California Rules of Court.

To Parties in Rule 3.740 Collections Cases. A "collections case" under rule 3.740 is defined as an action for recovery of money owed in a sum stated to be certain that is not more than \$25,000, exclusive of interest and attorney's fees, arising from a transaction in which property, services, or money was acquired on credit. A collections case does not include an action seeking the following: (1) tort damages, (2) punitive damages, (3) recovery of real property, (4) recovery of personal property, or (5) a prejudgment writ of attachment. The identification of a case as a rule 3.740 collections case on this form means that it will be exempt from the general time-for-service requirements and case management rules, unless a defendant files a responsive pleading. A rule 3.740 collections case will be subject to the requirements for service and obtaining a judgment in rule 3.740.

To Parties in Complex Cases. In complex cases only, parties must also use the Civil Case Cover Sheet to designate whether the case is complex. If a plaintiff believes the case is complex under rule 3.400 of the California Rules of Court, this must be indicated by completing the appropriate boxes in items 1 and 2. If a plaintiff designates a case as complex, the cover sheet must be served with the complaint on all parties to the action. A defendant may file and serve no later than the time of its first appearance a joinder in the plaintiff's designation, a counter-designation that the case is not complex, or, if the plaintiff has made no designation, a designation that the case is complex.

CASE TYPES AND EXAMPLES

Auto Tort

Auto (22)–Personal Injury/Property Damage/Wrongful Death
Uninsured Motorist (46) (*if the case involves an uninsured motorist claim subject to arbitration, check this item instead of Auto*)

Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort

Asbestos (04)
Asbestos Property Damage
Asbestos Personal Injury/Wrongful Death
Product Liability (*not asbestos or toxic/environmental*) (24)
Medical Malpractice (45)
Medical Malpractice–Physicians & Surgeons
Other Professional Health Care Malpractice
Other PI/PD/WD (23)
Premises Liability (e.g., slip and fall)
Intentional Bodily Injury/PD/WD (e.g., assault, vandalism)
Intentional Infliction of Emotional Distress
Negligent Infliction of Emotional Distress
Other PI/PD/WD

Non-PI/PD/WD (Other) Tort

Business Tort/Unfair Business Practice (07)
Civil Rights (e.g., discrimination, false arrest) (*not civil harassment*) (08)
Defamation (e.g., slander, libel) (13)
Fraud (16)
Intellectual Property (19)
Professional Negligence (25)
Legal Malpractice
Other Professional Malpractice (*not medical or legal*)
Other Non-PI/PD/WD Tort (35)

Employment

Wrongful Termination (36)
Other Employment (15)

Contract

Breach of Contract/Warranty (06)
Breach of Rental/Lease
Contract (*not unlawful detainer or wrongful eviction*)
Contract/Warranty Breach–Seller Plaintiff (*not fraud or negligence*)
Negligent Breach of Contract/Warranty
Other Breach of Contract/Warranty
Collections (e.g., money owed, open book accounts) (09)
Collection Case–Seller Plaintiff
Other Promissory Note/Collections Case
Insurance Coverage (*not provisionally complex*) (18)
Auto Subrogation
Other Coverage
Other Contract (37)
Contractual Fraud
Other Contract Dispute

Real Property

Eminent Domain/Inverse Condemnation (14)
Wrongful Eviction (33)
Other Real Property (e.g., quiet title) (26)
Writ of Possession of Real Property
Mortgage Foreclosure
Quiet Title
Other Real Property (*not eminent domain, landlord/tenant, or foreclosure*)

Unlawful Detainer

Commercial (31)
Residential (32)
Drugs (38) (*if the case involves illegal drugs, check this item; otherwise, report as Commercial or Residential*)

Judicial Review

Asset Forfeiture (05)
Petition Re: Arbitration Award (11)
Writ of Mandate (02)
Writ–Administrative Mandamus
Writ–Mandamus on Limited Court Case Matter
Writ–Other Limited Court Case Review
Other Judicial Review (39)
Review of Health Officer Order
Notice of Appeal–Labor Commissioner Appeals

Provisionally Complex Civil Litigation (Cal. Rules of Court Rules 3.400–3.403)

Antitrust/Trade Regulation (03)
Construction Defect (10)
Claims Involving Mass Tort (40)
Securities Litigation (28)
Environmental/Toxic Tort (30)
Insurance Coverage Claims (*arising from provisionally complex case type listed above*) (41)

Enforcement of Judgment

Enforcement of Judgment (20)
Abstract of Judgment (Out of County)
Confession of Judgment (*non-domestic relations*)
Sister State Judgment
Administrative Agency Award (*not unpaid taxes*)
Petition/Certification of Entry of Judgment on Unpaid Taxes
Other Enforcement of Judgment Case

Miscellaneous Civil Complaint

RICO (27)
Other Complaint (*not specified above*) (42)
Declaratory Relief Only
Injunctive Relief Only (*non-harassment*)
Mechanics Lien
Other Commercial Complaint Case (*non-tort/non-complex*)
Other Civil Complaint (*non-tort/non-complex*)

Miscellaneous Civil Petition

Partnership and Corporate Governance (21)
Other Petition (*not specified above*) (43)
Civil Harassment
Workplace Violence
Elder/Dependent Adult Abuse
Election Contest
Petition for Name Change
Petition for Relief From Late Claim
Other Civil Petition

SHORT TITLE ESTATE OF JACKELINE CHAVEZ v. FLIXBUS INC.	CASE NUMBER 23ST CV 20361
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CIVIL CASE COVER SHEET ADDENDUM AND STATEMENT OF LOCATION
(CERTIFICATE OF GROUNDS FOR ASSIGNMENT TO COURTHOUSE LOCATION)

This form is required pursuant to Local Rule 2.3 in all new civil case filings in the Los Angeles Superior Court

Step 1: After completing the Civil Case Cover Sheet (Judicial Council form CM-010), find the exact case type in Column A that corresponds to the case type indicated in the Civil Case Cover Sheet.

Step 2: In Column B, check the box for the type of action that best describes the nature of the case.

Step 3: In Column C, circle the number which explains the reason for the court filing location you have chosen.

Applicable Reasons for Choosing Courthouse Location (Column C)	
1. Class Actions must be filed in the Stanley Mosk Courthouse, Central District.	7. Location where petitioner resides.
2. Permissive filing in Central District.	8. Location wherein defendant/respondent functions wholly.
3. Location where cause of action arose.	9. Location where one or more of the parties reside.
4. Location where bodily injury, death or damage occurred.	10. Location of Labor Commissioner Office.
5. Location where performance required, or defendant resides.	11. Mandatory filing location (Hub Cases – unlawful detainer, limited non-collection, limited collection).
6. Location of property or permanently garaged vehicle.	

	A Civil Case Cover Sheet Case Type	B Type of Action (check only one)	C Applicable Reasons (see Step 3 above)
Auto Tort	Auto (22)	<input checked="" type="checkbox"/> 2201 Motor Vehicle – Personal Injury/Property Damage/Wrongful Death	1, 4
	Uninsured Motorist (46)	<input type="checkbox"/> 4601 Uninsured Motorist – Personal Injury/Property Damage/Wrongful Death	1, 4
Other Personal Injury/ Property Damage/ Wrongful Death	Other Personal Injury/ Property Damage/ Wrongful Death (23)	<input type="checkbox"/> 2301 Premise Liability (e.g., dangerous conditions of property, slip/trip and fall, dog attack, etc.)	1, 4
		<input type="checkbox"/> 2302 Intentional Bodily Injury/Property Damage/Wrongful Death (e.g., assault, battery, vandalism, etc.)	1, 4
		<input type="checkbox"/> 2303 Intentional Infliction of Emotional Distress	1, 4
		<input type="checkbox"/> 2304 Other Personal Injury/Property Damage/Wrongful Death	1, 4
		<input type="checkbox"/> 2305 Elder/Dependent Adult Abuse/Claims Against Skilled Nursing Facility	1, 4
		<input type="checkbox"/> 2306 Intentional Conduct – Sexual Abuse Case (in any form)	1, 4

SHORT TITLE ESTATE OF JACKELINE CHAVEZ v. FLIXBUS INC.	CASE NUMBER
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	A Civil Case Cover Sheet Case Type	B Type of Action (check only one)	C Applicable Reasons (see Step 3 above)
		<input type="checkbox"/> 2307 Construction Accidents	1, 4
		<input type="checkbox"/> 2308 Landlord – Tenant Habitability (e.g., bed bugs, mold, etc.)	1, 4
Other Personal Injury/ Property Damage/ Wrongful Death	Product Liability (24)	<input type="checkbox"/> 2401 Product Liability (not asbestos or toxic/ environmental)	1, 4
		<input type="checkbox"/> 2402 Product Liability – Song-Beverly Consumer Warranty Act (CA Civil Code §§1790-1795.8) (Lemon Law)	1, 3, 5
	Medical Malpractice (45)	<input type="checkbox"/> 4501 Medical Malpractice – Physicians & Surgeons	1, 4
		<input type="checkbox"/> 4502 Other Professional Health Care Malpractice	1, 4
Non-Personal Injury/Property Damage/Wrongful Death Tort	Business Tort (07)	<input type="checkbox"/> 0701 Other Commercial/Business Tort (not fraud or breach of contract)	1, 2, 3
	Civil Rights (08)	<input type="checkbox"/> 0801 Civil Rights/Discrimination	1, 2, 3
	Defamation (13)	<input type="checkbox"/> 1301 Defamation (slander/libel)	1, 2, 3
	Fraud (16)	<input type="checkbox"/> 1601 Fraud (no contract)	1, 2, 3
	Professional Negligence (25)	<input type="checkbox"/> 2501 Legal Malpractice	1, 2, 3
		<input type="checkbox"/> 2502 Other Professional Malpractice (not medical or legal)	1, 2, 3
	Other (35)	<input type="checkbox"/> 3501 Other Non-Personal Injury/Property Damage Tort	1, 2, 3
Employment	Wrongful Termination (36)	<input type="checkbox"/> 3601 Wrongful Termination	1, 2, 3
	Other Employment (15)	<input type="checkbox"/> 1501 Other Employment Complaint Case	1, 2, 3
		<input type="checkbox"/> 1502 Labor Commissioner Appeals	10
Contract	Breach of Contract / Warranty (06) (not insurance)	<input type="checkbox"/> 0601 Breach of Rental/Lease Contract (not unlawful detainer or wrongful eviction)	2, 5
		<input type="checkbox"/> 0602 Contract/Warranty Breach – Seller Plaintiff (no fraud/negligence)	2, 5
		<input type="checkbox"/> 0603 Negligent Breach of Contract/Warranty (no fraud)	1, 2, 5
		<input type="checkbox"/> 0604 Other Breach of Contract/Warranty (no fraud/ negligence)	1, 2, 5
		<input type="checkbox"/> 0605 Breach of Rental/Lease Contract (COVID-19 Rental Debt)	2, 5
	Collections (09)	<input type="checkbox"/> 0901 Collections Case – Seller Plaintiff	5, 6, 11
		<input type="checkbox"/> 0902 Other Promissory Note/Collections Case	5, 11
		<input type="checkbox"/> 0903 Collections Case – Purchased Debt (charged off consumer debt purchased on or after January 1, 2014)	5, 6, 11
		<input type="checkbox"/> 0904 Collections Case – COVID-19 Rental Debt	5, 11
	Insurance Coverage (18)	<input type="checkbox"/> 1801 Insurance Coverage (not complex)	1, 2, 5, 8

SHORT TITLE ESTATE OF JACKELINE CHAVEZ v. FLIXBUS INC.	CASE NUMBER
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	A Civil Case Cover Sheet Case Type	B Type of Action (check only one)	C Applicable Reasons (see Step 3 above)
Contract (Continued)	Other Contract (37)	<input type="checkbox"/> 3701 Contractual Fraud	1, 2, 3, 5
		<input type="checkbox"/> 3702 Tortious Interference	1, 2, 3, 5
		<input type="checkbox"/> 3703 Other Contract Dispute (not breach/insurance/fraud/negligence)	1, 2, 3, 8, 9
Real Property	Eminent Domain/ Inverse Condemnation (14)	<input type="checkbox"/> 1401 Eminent Domain/Condemnation Number of Parcels _____	2, 6
	Wrongful Eviction (33)	<input type="checkbox"/> 3301 Wrongful Eviction Case	2, 6
	Other Real Property (26)	<input type="checkbox"/> 2601 Mortgage Foreclosure	2, 6
		<input type="checkbox"/> 2602 Quiet Title	2, 6
		<input type="checkbox"/> 2603 Other Real Property (not eminent domain, landlord/tenant, foreclosure)	2, 6
Unlawful Detainer	Unlawful Detainer – Commercial (31)	<input type="checkbox"/> 3101 Unlawful Detainer – Commercial (not drugs or wrongful eviction)	6, 11
	Unlawful Detainer – Residential (32)	<input type="checkbox"/> 3201 Unlawful Detainer – Residential (not drugs or wrongful eviction)	6, 11
	Unlawful Detainer – Post Foreclosure (34)	<input type="checkbox"/> 3401 Unlawful Detainer – Post Foreclosure	2, 6, 11
	Unlawful Detainer – Drugs (38)	<input type="checkbox"/> 3801 Unlawful Detainer – Drugs	2, 6, 11
Judicial Review	Asset Forfeiture (05)	<input type="checkbox"/> 0501 Asset Forfeiture Case	2, 3, 6
	Petition re Arbitration (11)	<input type="checkbox"/> 1101 Petition to Compel/Confirm/Vacate Arbitration	2, 5
	Writ of Mandate (02)	<input type="checkbox"/> 0201 Writ – Administrative Mandamus	2, 8
		<input type="checkbox"/> 0202 Writ – Mandamus on Limited Court Case Matter	2
		<input type="checkbox"/> 0203 Writ – Other Limited Court Case Review	2
	Other Judicial Review (39)	<input type="checkbox"/> 3901 Other Writ/Judicial Review	2, 8
		<input type="checkbox"/> 3902 Administrative Hearing	2, 8
		<input type="checkbox"/> 3903 Parking Appeal	2, 8
Provisionally Complex Litigation	Antitrust/Trade Regulation (03)	<input type="checkbox"/> 0301 Antitrust/Trade Regulation	1, 2, 8
	Asbestos (04)	<input type="checkbox"/> 0401 Asbestos Property Damage	1, 11
		<input type="checkbox"/> 0402 Asbestos Personal Injury/Wrongful Death	1, 11

SHORT TITLE ESTATE OF JACKELINE CHAVEZ v. FLIXBUS INC.	CASE NUMBER
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	A Civil Case Cover Sheet Case Type	B Type of Action (check only one)	C Applicable Reasons (see Step 3 above)
Provisionally Complex Litigation (Continued)	Construction Defect (10)	<input type="checkbox"/> 1001 Construction Defect	1, 2, 3
	Claims Involving Mass Tort (40)	<input type="checkbox"/> 4001 Claims Involving Mass Tort	1, 2, 8
	Securities Litigation (28)	<input type="checkbox"/> 2801 Securities Litigation Case	1, 2, 8
	Toxic Tort Environmental (30)	<input type="checkbox"/> 3001 Toxic Tort/Environmental	1, 2, 3, 8
	Insurance Coverage Claims from Complex Case (41)	<input type="checkbox"/> 4101 Insurance Coverage/Subrogation (complex case only)	1, 2, 5, 8
Enforcement of Judgment	Enforcement of Judgment (20)	<input type="checkbox"/> 2001 Sister State Judgment	2, 5, 11
		<input type="checkbox"/> 2002 Abstract of Judgment	2, 6
		<input type="checkbox"/> 2004 Administrative Agency Award (not unpaid taxes)	2, 8
		<input type="checkbox"/> 2005 Petition/Certificate for Entry of Judgment Unpaid Tax	2, 8
		<input type="checkbox"/> 2006 Other Enforcement of Judgment Case	2, 8, 9
Miscellaneous Civil Complaints	RICO (27)	<input type="checkbox"/> 2701 Racketeering (RICO) Case	1, 2, 8
	Other Complaints (not specified above) (42)	<input type="checkbox"/> 4201 Declaratory Relief Only	1, 2, 8
		<input type="checkbox"/> 4202 Injunctive Relief Only (not domestic/harassment)	2, 8
		<input type="checkbox"/> 4203 Other Commercial Complaint Case (non-tort/noncomplex)	1, 2, 8
		<input type="checkbox"/> 4204 Other Civil Complaint (non-tort/non-complex)	1, 2, 8
Miscellaneous Civil Petitions	Partnership Corporation Governance (21)	<input type="checkbox"/> 2101 Partnership and Corporation Governance Case	2, 8
	Other Petitions (not specified above) (43)	<input type="checkbox"/> 4301 Civil Harassment with Damages	2, 3, 9
		<input type="checkbox"/> 4302 Workplace Harassment with Damages	2, 3, 9
		<input type="checkbox"/> 4303 Elder/Dependent Adult Abuse Case with Damages	2, 3, 9
		<input type="checkbox"/> 4304 Election Contest	2
		<input type="checkbox"/> 4305 Petition for Change of Name/Change of Gender	2, 7
		<input type="checkbox"/> 4306 Petition for Relief from Late Claim Law	2, 3, 8
		<input type="checkbox"/> 4307 Other Civil Petition	2, 9

<small>* SHORT TITLE</small> ESTATE OF JACKELINE CHAVEZ v. FLIXBUS INC.	CASE NUMBER
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Step 4: Statement of Reason and Address: Check the appropriate boxes for the numbers shown under Column C for the type of action that you have selected. Enter the address, which is the basis for the filing location including zip code. (No address required for class action cases.)

REASON: <input type="checkbox"/> 1. <input type="checkbox"/> 2. <input type="checkbox"/> 3. <input checked="" type="checkbox"/> 4. <input type="checkbox"/> 5. <input type="checkbox"/> 6. <input type="checkbox"/> 7. <input type="checkbox"/> 8. <input type="checkbox"/> 9. <input type="checkbox"/> 10. <input type="checkbox"/> 11			ADDRESS: 503 E. Cesar Chavez Avenue
CITY: Los Angeles, CA	STATE: CA	ZIP CODE: 90012	

Step 5: Certification of Assignment: I certify that this case is properly filed in the CENTRAL District of the Superior Court of California, County of Los Angeles [Code of Civ. Proc., 392 et seq., and LASC Local Rule 2.3(a)(1)(E)]

Dated: August 24, 2023


 (SIGNATURE OF ATTORNEY/FILING PARTY)

PLEASE HAVE THE FOLLOWING ITEMS COMPLETED AND READY TO BE FILED IN ORDER TO PROPERLY COMMENCE YOUR NEW COURT CASE:

1. Original Complaint or Petition.
2. If filing a Complaint, a completed Summons form for issuance by the Clerk.
3. Civil Case Cover Sheet Judicial Council form CM-010.
4. Civil Case Cover Sheet Addendum and Statement of Location form LASC CIV 109 (01/23).
5. Payment in full of the filing fee, unless there is a court order for waiver, partial or schedule payments.
6. A signed order appointing a Guardian ad Litem, Judicial Council form CIV-010, if the plaintiff or petitioner is a minor under 18 years of age will be required by Court to issue a Summons.
7. Additional copies of documents to be conformed by the Clerk. Copies of the cover sheet and this addendum must be served along with the Summons and Complaint, or other initiating pleading in the case.

Jonathan Seber (SBN 282563)
Jim Bulger (SBN 290126)
SEBER BULGER LLP
280 S. Beverly Drive, Penthouse Suite
Beverly Hills, California 90212
Telephone: (310) 651-7438
Facsimile: (310) 597-4707

Electronically FILED by
Superior Court of California,
County of Los Angeles
8/24/2023 2:50 PM
David W. Slayton,
Executive Officer/Clerk of Court,
By Y. Ayala, Deputy Clerk

Attorneys for Plaintiff
ESTATE OF JACKELINE CHAVEZ, by and through its Successor-in-interest, ELBA PARRA

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

ESTATE OF JACKELINE CHAVEZ, by
and through its Successor-in-interest, ELBA
PARRA

Plaintiff,

vs.

FLIXBUS INC. and DOES 1 through 50,
Inclusive,

Defendants.

CASE NO.: **23STCV20361**

COMPLAINT FOR DAMAGES:

- 1. NEGLIGENCE**
- 2. SURVIVAL ACTION**

DEMAND FOR JURY TRIAL

COME NOW Plaintiff ESTATE OF JACKELINE CHAVEZ ("Plaintiff") to complain of
Defendants FLIXBUS LLC; and DOES 1 through 50, inclusive ("Defendants") as follows:

GENERAL ALLEGATIONS

1. At the time of the incident described herein, JACKELINE CHAVEZ
("Decedent") was an adult living in Los Angeles, California.
2. JACKELINE CHAVEZ died on August 10, 2022, in Pasadena, California.
3. ELBA PARRA was JACKELINE CHAVEZ's mother and is a competent adult
living in Arizona.

1 4. ELBA PARRA has complied with the provisions of *Code of Civil Procedure*
2 §377.32, by filing with the originally filed Complaint, an affidavit, and a copy of the Decedent's
3 death certificate attached as Exhibit "A."

4 5. At all times herein mentioned, Defendant FLIXBUS INC. ("FlixBus") was, and is
5 a corporation, duly organized under and by virtue of the laws of the State of Delaware, and/or
6 other states, and, on information and belief, was authorized to do and was doing business in the
7 County of Los Angeles, State of California.

8 6. The true names or capacities, whether individual, corporate, associate or
9 otherwise of defendants, DOES 1 through 50, inclusive, are unknown to Plaintiff, who therefore
10 sues said defendants by such fictitious names, and will ask leave of Court to amend this
11 Complaint when the same have been ascertained. Plaintiff is informed and believes, and upon
12 such information and belief alleges, that each defendant designated herein as a "DOE" was
13 responsible, negligently, or in some other actionable manner, for the events and happenings
14 referred to herein, which proximately caused injury and damage to plaintiff, as hereinafter
15 alleged.

16 7. At all times herein mentioned, Defendants, and each of them, were the agents,
17 servants and employees of each other and acting within the scope of their employment and
18 agency as such.

19 8. The incident alleged and the injuries complained of herein occurred on FlixBus
20 7373 (the "Bus") at the approximate pick-up location of Cesar E Chavez Avenue/Vignes in Los
21 Angeles, California on or around September 23, 2021. The approximate address of the pickup
22 location is 503 E. Cesar Chavez Avenue, Los Angeles, CA 90012.

23 9. At all times herein mentioned, Defendants, and each of them, were the owners,
24 operators, lessors, lessees, managers, caretakers, contractors, subcontractors, controllers, and
25 maintainers of the Bus.

26 10. On information and belief, all FlixBus busses are required to have ramps for
27 wheelchairs, motorized scooters, and other handicap devices.
28

1 11. On information and belief, all FlixBus buses are required to have floor mounts to
2 anchor handicap devices to the floor for stability.

3 12. On information and belief, when a handicapped person with a device is scheduled
4 to ride on a FlixBus bus, the bus driver knows this fact before the pickup and is required to
5 remove seats to accommodate the device.

6 13. On or around September 23, 2021, JACKELINE CHAVEZ was permitted to be
7 on the Bus as a ticketed passenger.

8 14. At that time, JACKELINE CHAVEZ was an amputee with Stage 4 renal disease.
9 She was disabled and had trouble with her balance since suffering a stroke in 2014. JACKELINE
10 CHAVEZ used a 3-way medical scooter for transportation.

11 15. On or around September 23, 2021, at approximately 2:15 p.m., JACKELINE
12 CHAVEZ and her boyfriend, Manuel Marquez, were scheduled to take the Bus from Los
13 Angeles, California, to Las Vegas, Nevada.

14 16. Mr. Marquez bought tickets on the Bus specifically because it was advertised as a
15 handicap-accessible bus.

16 17. On or around September 23, 2021, the driver of the Bus (the "Driver") helped
17 load other passengers onto the Bus, and then the Driver moved seats to make room for
18 JACKELINE CHAVEZ's scooter.

19 18. Mr. Marquez told the Driver that there was a handicapped passenger boarding the
20 Bus, referring to JACKELINE CHAVEZ.

21 19. The Driver appeared agitated that there was a handicapped person boarding the
22 Bus. On information and belief, as a result, the Driver did not properly strap JACKELINE
23 CHAVEZ's scooter into a safe place.

24 20. Because the Bus was crowded, Mr. Marquez had to sit across and three rows
25 down from JACKELINE CHAVEZ.

26 21. When the Bus left the parking lot, the Driver made a right on Vignes Street. The
27 Bus then made a right on Cesar Chavez Avenue.
28

1 22. When the Bus turned onto Cesar Chavez Avenue, JACKELINE CHAVEZ fell.
2 Another passenger shouted, "she hit her head full force."

3 23. The Driver stopped the Bus and attempted to pick up JACKELINE CHAVEZ.
4 JACKELINE CHAVEZ told the Driver that she could not see. The Driver put JACKELINE
5 CHAVEZ back into a seat without her scooter.

6 24. As a result of her fall, JACKELINE CHAVEZ suffered severe and significant
7 physical injuries.

8 25. Upon information and belief, Defendants, and each of them, negligently owned,
9 operated, managed, configured, serviced, approved, modified, designed, controlled, planned,
10 constructed, maintained and/or inspected the area around the round, narrow platform.

11 26. Upon information and belief, Defendants, and each of them, were aware, and/or
12 should have been aware, that a passenger in a medical scooter that is not restrained is at risk of
13 injury, but Defendants failed to take reasonable and necessary steps to protect passengers on the
14 Bus from harm, including JACKELINE CHAVEZ.

15 27. Although this action was filed by the Decedent's successor in interest, it was filed
16 after January 1, 2022, and, as a result, the damages recoverable may include damages for pain,
17 suffering, or disfigurement.

18 **FIRST CAUSE OF ACTION**

19 **NEGLIGENCE**

20 **(By ESTATE OF JACKELINE CHAVEZ Against All Defendants)**

21 28. Plaintiff realleges and incorporates by reference each and every paragraph above
22 as though fully set forth herein.

23 29. On or about September 23, 2021, Defendants, and each of them, were the owners,
24 operators, lessors, lessees, managers, caretakers, contractors, subcontractors, controllers, and/or
25 maintainers of the Bus.

26 30. At the time of the incident alleged herein, Defendants, and each of them, had a
27 duty to protect lawful passengers, including JACKELINE CHAVEZ from physical injury while
28 on the Bus in a reasonably foreseeable manner.

1 31. Defendants, and each of them, breached their duties in that Defendants
2 negligently owned, operated, designed, configured, serviced, approved, modified, constructed,
3 maintained, inspected, secured, controlled, repaired, managed, and/or possessed the Bus.
4 Specifically, Defendants, and each of them, caused and/or allowed JACKELINE CHAVEZ to be
5 on the Bus in her scooter without proper restraint; 2) the Bus was poorly operated, designed,
6 configured, serviced, approved, modified, constructed, maintained, inspected, secured,
7 controlled, repaired and managed in relation to Plaintiff's attempted to use on or about
8 September 23, 2021; and 3) Defendants failed to warn lawful visitors, including JACKELINE
9 CHAVEZ, that the Bus was unsafe and/or dangerous. These dangerous and defective conditions,
10 and others, created a reasonably foreseeable risk of the kind of injury suffered by Plaintiff.

11 32. Defendants, and each of them, either created or otherwise knew or should have
12 known of the aforementioned dangerous and defective conditions but negligently and carelessly
13 failed to adequately warn of the same or take alternative action, despite having the authority and
14 the funds and/or other means immediately available to take alternative action, which would not
15 have created the dangerous condition, or knew or should have known of the aforementioned
16 dangerous and defective condition but negligently and carelessly failed to warn of the same,
17 despite having the authority and responsibility to take adequate measures to protect against the
18 dangerous condition.

19 33. Defendants, and each of them, knew or should have known of these dangerous
20 and defective condition but negligently and carelessly failed to adequately repair, remedy or
21 correct the same; and/or negligently and carelessly created the aforementioned dangerous and
22 defective condition of the Premises.

23 34. As a direct and proximate result of the actions of Defendants, and each of them,
24 JACKELINE CHAVEZ fell on the Bus on or about September 23, 2021, and suffered severe
25 physical injuries and sustained special and general damages.

26 35. Defendants, and each of them, as employees and agents responsible for the
27 operation and maintenance of the appurtenances associated with the dangerous condition giving
28 rise to this litigation are liable for the condition.


PRAYER FOR RELIEF

WHEREFORE, Plaintiff ESTATE OF JACKELINE CHAVEZ prays for judgment against Defendants, and each of them, on all causes of action as follows:

- (1). For general damages in an amount to be determined by proof at trial;
- (2). For special damages in an amount to be determined by proof at trial;
- (3). For costs of suit herein;
- (4). For prejudgment interest as permitted by law; and
- (5). For any other such relief as the Court may deem proper.

DATED: August 24, 2023,

SEBER BULGER LLP




JONATHAN SEBER
Attorney for Plaintiff
ESTATE OF JACKELINE CHAVEZ

DEMAND FOR JURY TRIAL

Plaintiff ESTATE OF JACKELINE CHAVEZ demand a jury trial on as to all causes of action set forth in this Complaint.

DATED: August 24, 2023,

SEBER BULGER LLP



JONATHAN SEBER
Attorney for Plaintiff
ESTATE OF JACKELINE CHAVEZ

EXHIBIT A

DECLARATION OF SUCCESSOR-IN-INTEREST OF
THE ESTATE OF JACKELINE CHAVEZ

I, ELBA PARRA, declare as follows:

1. Decedent's name was JACKELINE CHAVEZ. Her date of death is August 10, 2022 and she died at Huntington Hospital, in the County of Los Angeles, California.

2. I was Decedent's mother at the time of her death.


3. There is no proceeding now pending in California for administration of the Decedent's estate.

4. As Decedent's mother, I am authorized to act on behalf of the Decedent's successor-in-interest (as defined in Section 377.11 of the California Code of Civil Procedure) with respect to the Decedent's interest in the action or proceeding.

5. No other person has a superior right to commence the action or proceeding or to be substituted for the Decedent in the pending action or proceeding.

6. Attached hereto as Exhibit "A" is a true and correct copy of JACKELINE CHAVEZ's death certificate.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this 10 day of August, 2023 at Ontario, California.


ELBA PARRA

SUPERIOR COURT OF CALIFORNIA COUNTY OF LOS ANGELES		FILED Superior Court of California County of Los Angeles 08/24/2023 David W. Slayton, Executive Officer / Clerk of Court By: <u>Y. Ayala</u> Deputy
COURTHOUSE ADDRESS: Spring Street Courthouse 312 North Spring Street, Los Angeles, CA 90012		
NOTICE OF CASE ASSIGNMENT - UNLIMITED PERSONAL INJURY CIVIL CASES ASSIGNED TO THE PERSONAL INJURY HUB COURTS		
Your case is assigned to the judicial officer indicated below in the Personal Injury Hub Court for all purposes, except for trial.		CASE NUMBER: 23STCV20361

THIS FORM IS TO BE SERVED WITH THE SUMMONS AND COMPLAINT

ASSIGNED JUDICIAL OFFICER		DEPT.
✓	Anne Hwang	32

<u>FINAL STATUS CONFERENCE:</u>
DATE: <u>02/06/2025</u> at 10:00 a.m.
<u>TRIAL DATE:</u>
DATE: <u>02/20/2025</u> at 8:30 a.m.
<u>ORDER TO SHOW CAUSE RE: DISMISSAL (Code of Civil Procedure, section 583.210)</u>
DATE: <u>08/21/2025</u> at 8:30 a.m.

Given to the Plaintiff / Attorney of Record

On 08/24/2023
(Date)

David W. Slayton, Executive Officer / Clerk of Court

By Y. Ayala Deputy Clerk**NOTICE OF CASE ASSIGNMENT – UNLIMITED CIVIL PERSONAL INJURY CASES**LASC CIV 295 NEW 05/22
For Mandatory Use

INSTRUCTIONS FOR HANDLING UNLIMITED PERSONAL INJURY CIVIL CASES

The following critical provisions of the California Rules of Court, Title 3, Division 7, as applicable in the Superior Court are summarized for your assistance.

APPLICATION

The Division 7 Rules were effective January 1, 2007. They apply to all general civil cases.

PRIORITY OVER OTHER RULES

The Division 7 Rules shall have priority over all other Local Rules to the extent the others are inconsistent.

CHALLENGE TO ASSIGNED JUDICIAL OFFICER

A challenge under Code of Civil Procedure Section 170.6 must be made within **15** days after notice of assignment for all purpose to a judicial officer, or if a party has not yet appeared, within 15 days of the first appearance.

TIME STANDARDS

Cases assignment to the Personal Injury Hub Courts will be subjected to processing under the standards listed below.

COMPLAINTS

All complaints shall be served within 60 days of filing and proof of service shall be filed within 90 days. Failure to do so may result in the imposition of sanctions.

CROSS-COMPLAINTS

Without leave of court first being obtained, no cross-complaint may be filed by any party after their answer is filed. Cross-complaints shall be served within 30 days of the filing date and a proof of service filed within 60 days of the filing date.

FINAL STATUS CONFERENCE

The Court will require the parties to attend a final status conference not more than eight court days before the scheduled trial date. All parties shall have motions in limine, bifurcation motions, statements of major evidentiary issues, dispositive motions, requested form jury instructions, special jury instructions, and special jury verdicts timely filed and served prior to the conference. These matters may be heard and resolved at this conference. At least five days before this conference, counsel must also have exchanged lists of exhibits and witnesses and have submitted to the court a brief statement of the case to be read to the jury panel as required by Chapter Three of the Los Angeles Superior Court Rules.

SANCTIONS

The court will impose appropriate sanctions for the failure or refusal to comply with Chapter Three Rules, orders made by the Court and time standards, or deadlines established by the Court or by Chapter Three Rules. Such sanctions may be on a party, or if appropriate on counsel for a party.

This is not a complete delineation of the Division 7 or Chapter Three Rules, and adherence only to the above provisions is therefore not a guarantee against the imposition of sanctions under Trial Court Delay Reduction. Careful reading and compliance with the actual Chapter Rules is imperative.

Class Actions

Pursuant to Local Rule 2.3, all class actions shall be filed at the Stanley Mosk Courthouse and are randomly assigned to a complex judge at the designated complex courthouse. If the case is found not to be a class action it will be returned to a PI Hub Court for all purposes except for trial or an Independent Calendar Courtroom for all purposes depending on the PI Case Type.

***Provisionally Complex Cases**

Cases filed as provisionally complex are initially assigned to the Supervising Judge of complex litigation for determination of complex status. If the case is deemed to be complex within the meaning of California Rules of Court 3.400 et seq., it will be randomly assigned to a complex judge at the designated complex courthouse. If the case is found not to be complex, it will be returned to a PI Hub Court for all purposes except for trial or an Independent Calendar Courtroom for all purposes depending on the PI Case Type.

NOTICE OF CASE ASSIGNMENT – UNLIMITED CIVIL PERSONAL INJURY CASES



Superior Court of California, County of Los Angeles

ALTERNATIVE DISPUTE RESOLUTION (ADR) INFORMATION PACKAGE

THE PLAINTIFF MUST SERVE THIS ADR INFORMATION PACKAGE ON EACH PARTY WITH THE COMPLAINT.

CROSS-COMPLAINANTS must serve this ADR Information Package on any new parties named to the action with the cross-complaint.

What is ADR?

ADR helps people find solutions to their legal disputes without going to trial. The main types of ADR are negotiation, mediation, arbitration, and settlement conferences. When ADR is done by phone, videoconference or computer, it may be called Online Dispute Resolution (ODR). These alternatives to litigation and trial are described below.

Advantages of ADR

- **Saves Time:** ADR is faster than going to trial.
- **Saves Money:** Parties can save on court costs, attorney's fees, and witness fees.
- **Keeps Control** (with the parties): Parties choose their ADR process and provider for voluntary ADR.
- **Reduces Stress/Protects Privacy:** ADR is done outside the courtroom, in private offices, by phone or online.

Disadvantages of ADR

- **Costs:** If the parties do not resolve their dispute, they may have to pay for ADR, litigation, and trial.
- **No Public Trial:** ADR does not provide a public trial or decision by a judge or jury.

Main Types of ADR

1. **Negotiation:** Parties often talk with each other in person, or by phone or online about resolving their case with a settlement agreement instead of a trial. If the parties have lawyers, they will negotiate for their clients.
2. **Mediation:** In mediation, a neutral mediator listens to each person's concerns, helps them evaluate the strengths and weaknesses of their case, and works with them to try to create a settlement agreement that is acceptable to all. Mediators do not decide the outcome. Parties may go to trial if they decide not to settle.

Mediation may be appropriate when the parties

- want to work out a solution but need help from a neutral person.
- have communication problems or strong emotions that interfere with resolution.

Mediation may not be appropriate when the parties

- want a public trial and want a judge or jury to decide the outcome.
- lack equal bargaining power or have a history of physical/emotional abuse.

How to Arrange Mediation in Los Angeles County

Mediation for **civil cases** is voluntary and parties may select any mediator they wish. Options include:

a. **The Civil Mediation Vendor Resource List**

If all parties in an active civil case agree to mediation, they may contact these organizations to request a "Resource List Mediation" for mediation at reduced cost or no cost (for selected cases).

- **ADR Services, Inc.** Assistant Case Manager Janet Solis, janet@adrservices.com
(213) 683-1600
- **Mediation Center of Los Angeles** Program Manager info@mediationLA.org
(833) 476-9145

These organizations cannot accept every case and they may decline cases at their discretion. They may offer online mediation by video conference for cases they accept. Before contacting these organizations, review important information and FAQs at www.lacourt.org/ADR.Res.List

NOTE: The Civil Mediation Vendor Resource List program does not accept family law, probate, or small claims cases.

- b. **Los Angeles County Dispute Resolution Programs.** Los Angeles County-funded agencies provide mediation services on the day of hearings in small claims, unlawful detainer (eviction), civil harassment, and limited civil (collections and non-collection) cases.
<https://dcba.lacounty.gov/countywidedrp/>

Online Dispute Resolution (ODR). Parties in small claims and unlawful detainer (eviction) cases should carefully review the Notice and other information they may receive about (ODR) requirements for their case. <https://my.lacourt.org/odr/>

- c. Mediators and ADR and Bar organizations that provide mediation may be found on the internet.

3. **Arbitration:** Arbitration is less formal than trial, but like trial, the parties present evidence and arguments to the person who decides the outcome. In "binding" arbitration, the arbitrator's decision is final; there is no right to trial. In "nonbinding" arbitration, any party can request a trial after the arbitrator's decision. For more information about arbitration, visit <https://www.courts.ca.gov/programs-adr.htm>
4. **Mandatory Settlement Conferences (MSC):** MSCs are ordered by the Court and are often held close to the trial date or on the day of trial. The parties and their attorneys meet with a judge or settlement officer who does not make a decision but who instead assists the parties in evaluating the strengths and weaknesses of the case and in negotiating a settlement. For information about the Court's MSC programs for civil cases, visit <https://www.lacourt.org/division/civil/CI0047.aspx>

Los Angeles Superior Court ADR website: <https://www.lacourt.org/division/civil/CI0109.aspx>

For general information and videos about ADR, visit <http://www.courts.ca.gov/programs-adr.htm>

2019-GEN-014-00

FILED
 Superior Court of California
 County of Los Angeles

MAY 03 2019

Sherri R. Carter, Executive Officer/Clerk
 By Rizalinda Mina, Deputy
 Rizalinda Mina

SUPERIOR COURT OF THE STATE OF CALIFORNIA
 FOR THE COUNTY OF LOS ANGELES

IN RE LOS ANGELES SUPERIOR COURT) FIRST AMENDED GENERAL ORDER
 – MANDATORY ELECTRONIC FILING)
 FOR CIVIL)
)
)
)

On December 3, 2018, the Los Angeles County Superior Court mandated electronic filing of all documents in Limited Civil cases by litigants represented by attorneys. On January 2, 2019, the Los Angeles County Superior Court mandated electronic filing of all documents filed in Non-Complex Unlimited Civil cases by litigants represented by attorneys. (California Rules of Court, rule 2.253(b).) All electronically filed documents in Limited and Non-Complex Unlimited cases are subject to the following:

1) DEFINITIONS

- a) **“Bookmark”** A bookmark is a PDF document navigational tool that allows the reader to quickly locate and navigate to a designated point of interest within a document.
- b) **“Efiling Portal”** The official court website includes a webpage, referred to as the efiling portal, that gives litigants access to the approved Electronic Filing Service Providers.
- c) **“Electronic Envelope”** A transaction through the electronic service provider for submission of documents to the Court for processing which may contain one or more PDF documents attached.
- d) **“Electronic Filing”** Electronic Filing (eFiling) is the electronic transmission to a Court of a document in electronic form. (California Rules of Court, rule 2.250(b)(7).)

- 1 e) **“Electronic Filing Service Provider”** An Electronic Filing Service Provider (EFSP) is a
2 person or entity that receives an electronic filing from a party for retransmission to the Court.
3 In the submission of filings, the EFSP does so on behalf of the electronic filer and not as an
4 agent of the Court. (California Rules of Court, rule 2.250(b)(8).)
- 5 f) **“Electronic Signature”** For purposes of these local rules and in conformity with Code of
6 Civil Procedure section 17, subdivision (b)(3), section 34, and section 1010.6, subdivision
7 (b)(2), Government Code section 68150, subdivision (g), and California Rules of Court, rule
8 2.257, the term “Electronic Signature” is generally defined as an electronic sound, symbol, or
9 process attached to or logically associated with an electronic record and executed or adopted
10 by a person with the intent to sign the electronic record.
- 11 g) **“Hyperlink”** An electronic link providing direct access from one distinctively marked place
12 in a hypertext or hypermedia document to another in the same or different document.
- 13 h) **“Portable Document Format”** A digital document format that preserves all fonts,
14 formatting, colors and graphics of the original source document, regardless of the application
15 platform used.

16 2) MANDATORY ELECTRONIC FILING

17 a) Trial Court Records

18 Pursuant to Government Code section 68150, trial court records may be created, maintained,
19 and preserved in electronic format. Any document that the Court receives electronically must
20 be clerically processed and must satisfy all legal filing requirements in order to be filed as an
21 official court record (California Rules of Court, rules 2.100, et seq. and 2.253(b)(6)).

22 b) Represented Litigants

23 Pursuant to California Rules of Court, rule 2.253(b), represented litigants are required to
24 electronically file documents with the Court through an approved EFSP.

25 c) Public Notice

26 The Court has issued a Public Notice with effective dates the Court required parties to
27 electronically file documents through one or more approved EFSPs. Public Notices containing
28 effective dates and the list of EFSPs are available on the Court’s website, at www.lacourt.org.

1 d) Documents in Related Cases

2 Documents in related cases must be electronically filed in the eFiling portal for that case type if
3 electronic filing has been implemented in that case type, regardless of whether the case has
4 been related to a Civil case.

5 3) EXEMPT LITIGANTS

6 a) Pursuant to California Rules of Court, rule 2.253(b)(2), self-represented litigants are exempt
7 from mandatory electronic filing requirements.

8 b) Pursuant to Code of Civil Procedure section 1010.6, subdivision (d)(3) and California Rules of
9 Court, rule 2.253(b)(4), any party may make application to the Court requesting to be excused
10 from filing documents electronically and be permitted to file documents by conventional
11 means if the party shows undue hardship or significant prejudice.

12 4) EXEMPT FILINGS

13 a) The following documents shall not be filed electronically:

- 14 i) Peremptory Challenges or Challenges for Cause of a Judicial Officer pursuant to Code of
15 Civil Procedure sections 170.6 or 170.3;
- 16 ii) Bonds/Undertaking documents;
- 17 iii) Trial and Evidentiary Hearing Exhibits
- 18 iv) Any ex parte application that is filed concurrently with a new complaint including those
19 that will be handled by a Writs and Receivers department in the Mosk courthouse; and
- 20 v) Documents submitted conditionally under seal. The actual motion or application shall be
21 electronically filed. A courtesy copy of the electronically filed motion or application to
22 submit documents conditionally under seal must be provided with the documents
23 submitted conditionally under seal.

24 b) Lodgments

25 Documents attached to a Notice of Lodgment shall be lodged and/or served conventionally in
26 paper form. The actual document entitled, "Notice of Lodgment," shall be filed electronically.

27 //

28 //

1 5) ELECTRONIC FILING SYSTEM WORKING PROCEDURES

2 Electronic filing service providers must obtain and manage registration information for persons
3 and entities electronically filing with the court.

4 6) TECHNICAL REQUIREMENTS

5 a) Electronic documents must be electronically filed in PDF, text searchable format **when**
6 technologically feasible without impairment of the document's image.

7 b) The table of contents for any filing must be bookmarked.

8 c) Electronic documents, including but not limited to, declarations, proofs of service, and
9 exhibits, must be bookmarked within the document pursuant to California Rules of Court, rule
10 3.1110(f)(4). Electronic bookmarks must include links to the first page of each bookmarked
11 item (e.g. exhibits, declarations, deposition excerpts) and with bookmark titles that identify the
12 bookedmarked item and briefly describe the item.

13 d) Attachments to primary documents must be bookmarked. Examples include, but are not
14 limited to, the following:

15 i) Depositions;

16 ii) Declarations;

17 iii) Exhibits (including exhibits to declarations);

18 iv) Transcripts (including excerpts within transcripts);

19 v) Points and Authorities;

20 vi) Citations; and

21 vii) Supporting Briefs.

22 e) Use of hyperlinks within documents (including attachments and exhibits) is strongly
23 encouraged.

24 f) Accompanying Documents

25 Each document accompanying a single pleading must be electronically filed as a **separate**
26 digital PDF document.

27 g) Multiple Documents

28 Multiple documents relating to one case can be uploaded in one envelope transaction.

1 h) Writs and Abstracts

2 Writs and Abstracts must be submitted as a separate electronic envelope.

3 i) Sealed Documents

4 If and when a judicial officer orders documents to be filed under seal, those documents must be
5 filed electronically (unless exempted under paragraph 4); the burden of accurately designating
6 the documents as sealed at the time of electronic submission is the submitting party's
7 responsibility.

8 j) Redaction

9 Pursuant to California Rules of Court, rule 1.201, it is the submitting party's responsibility to
10 redact confidential information (such as using initials for names of minors, using the last four
11 digits of a social security number, and using the year for date of birth) so that the information
12 shall not be publicly displayed.

13 7) ELECTRONIC FILING SCHEDULE

14 a) Filed Date

15 i) Any document received electronically by the court between 12:00 am and 11:59:59 pm
16 shall be deemed to have been effectively filed on that court day if accepted for filing. Any
17 document received electronically on a non-court day, is deemed to have been effectively
18 filed on the next court day if accepted. (California Rules of Court, rule 2.253(b)(6); Code
19 Civ. Proc. § 1010.6(b)(3).)

20 ii) Notwithstanding any other provision of this order, if a digital document is not filed in due
21 course because of: (1) an interruption in service; (2) a transmission error that is not the
22 fault of the transmitter; or (3) a processing failure that occurs after receipt, the Court may
23 order, either on its own motion or by noticed motion submitted with a declaration for Court
24 consideration, that the document be deemed filed and/or that the document's filing date
25 conform to the attempted transmission date.

26 8) EX PARTE APPLICATIONS

27 a) Ex parte applications and all documents in support thereof must be electronically filed no later
28 than 10:00 a.m. the court day before the ex parte hearing.

b) Any written opposition to an ex parte application must be electronically filed by 8:30 a.m. the day of the ex parte hearing. A printed courtesy copy of any opposition to an ex parte application must be provided to the court the day of the ex parte hearing.

9) PRINTED COURTESY COPIES

a) For any filing electronically filed two or fewer days before the hearing, a courtesy copy must be delivered to the courtroom by 4:30 p.m. the same business day the document is efiled. If the efiled is submitted after 4:30 p.m., the courtesy copy must be delivered to the courtroom by 10:00 a.m. the next business day.

b) Regardless of the time of electronic filing, a printed courtesy copy (along with proof of electronic submission) is required for the following documents:

- i) Any printed document required pursuant to a Standing or General Order;
- ii) Pleadings and motions (including attachments such as declarations and exhibits) of 26 pages or more;
- iii) Pleadings and motions that include points and authorities;
- iv) Demurrers;
- v) Anti-SLAPP filings, pursuant to Code of Civil Procedure section 425.16;
- vi) Motions for Summary Judgment/Adjudication; and
- vii) Motions to Compel Further Discovery.

c) Nothing in this General Order precludes a Judicial Officer from requesting a courtesy copy of additional documents. Courtroom specific courtesy copy guidelines can be found at www.lacourt.org on the Civil webpage under "Courtroom Information."

10) WAIVER OF FEES AND COSTS FOR ELECTRONICALLY FILED DOCUMENTS

a) Fees and costs associated with electronic filing must be waived for any litigant who has received a fee waiver. (California Rules of Court, rules 2.253(b)(), 2.258(b), Code Civ. Proc. § 1010.6(d)(2).)

b) Fee waiver applications for waiver of court fees and costs pursuant to Code of Civil Procedure section 1010.6, subdivision (b)(6), and California Rules of Court, rule 2.252(f), may be electronically filed in any authorized action or proceeding.

2019-GEN-014-00

1 11) SIGNATURES ON ELECTRONIC FILING

2 For purposes of this General Order, all electronic filings must be in compliance with California
3 Rules of Court, rule 2.257. This General Order applies to documents filed within the Civil
4 Division of the Los Angeles County Superior Court.

5
6 This First Amended General Order supersedes any previous order related to electronic filing,
7 and is effective immediately, and is to remain in effect until otherwise ordered by the Civil
8 Supervising Judge and/or Presiding Judge.

9
10 DATED: May 3, 2019



Kevin C. Brazile

KEVIN C. BRAZILE
Presiding Judge

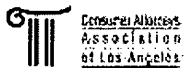
VOLUNTARY EFFICIENT LITIGATION STIPULATIONS

Superior Court of California
County of Los Angeles



Los Angeles County
Bar Association
Litigation Section

Los Angeles County
Bar Association Labor and
Employment Law Section



Consumer Attorneys
Association of Los Angeles



Southern California
Defense Counsel



Association of
Business Trial Lawyers



California Employment
Lawyers Association

The Early Organizational Meeting Stipulation, Discovery Resolution Stipulation, and Motions in Limine Stipulation are voluntary stipulations entered into by the parties. The parties may enter into one, two, or all three of the stipulations; however, they may not alter the stipulations as written, because the Court wants to ensure uniformity of application. These stipulations are meant to encourage cooperation between the parties and to assist in resolving issues in a manner that promotes economic case resolution and judicial efficiency.

The following organizations endorse the goal of promoting efficiency in litigation and ask that counsel consider using these stipulations as a voluntary way to promote communications and procedures among counsel and with the court to fairly resolve issues in their cases.

◆ Los Angeles County Bar Association Litigation Section ◆

◆ Los Angeles County Bar Association
Labor and Employment Law Section ◆

◆ Consumer Attorneys Association of Los Angeles ◆

◆ Southern California Defense Counsel ◆

◆ Association of Business Trial Lawyers ◆

◆ California Employment Lawyers Association ◆

NAME AND ADDRESS OF ATTORNEY OR PARTY WITHOUT ATTORNEY:		STATE BAR NUMBER	Reserved for Clerk's File Stamp
TELEPHONE NO.: E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name):		FAX NO. (Optional):	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES			
COURTHOUSE ADDRESS:			
PLAINTIFF:			
DEFENDANT:			
STIPULATION – EARLY ORGANIZATIONAL MEETING			CASE NUMBER:

This stipulation is intended to encourage cooperation among the parties at an early stage in the litigation and to assist the parties in efficient case resolution.

The parties agree that:

1. The parties commit to conduct an initial conference (in-person or via teleconference or via videoconference) within 15 days from the date this stipulation is signed, *to discuss and consider whether there can be agreement on the following:*
 - a. Are motions to challenge the pleadings necessary? If the issue can be resolved by amendment as of right, or if the Court would allow leave to amend, could an amended complaint resolve most or all of the issues a demurrer might otherwise raise? If so, the parties agree to work through pleading issues so that a demurrer need only raise issues they cannot resolve. Is the issue that the defendant seeks to raise amenable to resolution on demurrer, or would some other type of motion be preferable? Could a voluntary targeted exchange of documents or information by any party cure an uncertainty in the pleadings?
 - b. Initial mutual exchanges of documents at the "core" of the litigation. (For example, in an employment case, the employment records, personnel file and documents relating to the conduct in question could be considered "core." In a personal injury case, an incident or police report, medical records, and repair or maintenance records could be considered "core.");
 - c. Exchange of names and contact information of witnesses;
 - d. Any insurance agreement that may be available to satisfy part or all of a judgment, or to indemnify or reimburse for payments made to satisfy a judgment;
 - e. Exchange of any other information that might be helpful to facilitate understanding, handling, or resolution of the case in a manner that preserves objections or privileges by agreement;
 - f. Controlling issues of law that, if resolved early, will promote efficiency and economy in other phases of the case. Also, when and how such issues can be presented to the Court;
 - g. Whether or when the case should be scheduled with a settlement officer, what discovery or court ruling on legal issues is reasonably required to make settlement discussions meaningful, and whether the parties wish to use a sitting judge or a private mediator or other options as

SHORT TITLE:	CASE NUMBER:
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discussed in the "Alternative Dispute Resolution (ADR) Information Package" served with the complaint;

- h. Computation of damages, including documents, not privileged or protected from disclosure, on which such computation is based;
 - i. Whether the case is suitable for the Expedited Jury Trial procedures (see information at www.lacourt.org under "Civil" and then under "General Information").
2. The time for a defending party to respond to a complaint or cross-complaint will be extended to _____ for the complaint, and _____ for the cross-complaint, which is comprised of the 30 days to respond under Government Code § 68616(b), and the 30 days permitted by Code of Civil Procedure section 1054(a), good cause having been found by the Civil Supervising Judge due to the case management benefits provided by this Stipulation. A copy of the General Order can be found at www.lacourt.org under "Civil", click on "General Information", then click on "Voluntary Efficient Litigation Stipulations".
 3. The parties will prepare a joint report titled "Joint Status Report Pursuant to Initial Conference and Early Organizational Meeting Stipulation, and if desired, a proposed order summarizing results of their meet and confer and advising the Court of any way it may assist the parties' efficient conduct or resolution of the case. The parties shall attach the Joint Status Report to the Case Management Conference statement, and file the documents when the CMC statement is due.
 4. References to "days" mean calendar days, unless otherwise noted. If the date for performing any act pursuant to this stipulation falls on a Saturday, Sunday or Court holiday, then the time for performing that act shall be extended to the next Court day

The following parties stipulate:

Date:

_____	➤ _____
(TYPE OR PRINT NAME)	(ATTORNEY FOR PLAINTIFF)
Date:	
_____	➤ _____
(TYPE OR PRINT NAME)	(ATTORNEY FOR DEFENDANT)
Date:	
_____	➤ _____
(TYPE OR PRINT NAME)	(ATTORNEY FOR DEFENDANT)
Date:	
_____	➤ _____
(TYPE OR PRINT NAME)	(ATTORNEY FOR DEFENDANT)
Date:	
_____	➤ _____
(TYPE OR PRINT NAME)	(ATTORNEY FOR _____)
Date:	
_____	➤ _____
(TYPE OR PRINT NAME)	(ATTORNEY FOR _____)
Date:	
_____	➤ _____
(TYPE OR PRINT NAME)	(ATTORNEY FOR _____)

NAME AND ADDRESS OF ATTORNEY OR PARTY WITHOUT ATTORNEY:		STATE BAR NUMBER	Reserved for Clerk's File Stamp
TELEPHONE NO.: E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name):		FAX NO. (Optional):	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES			
COURTHOUSE ADDRESS:			
PLAINTIFF:			
DEFENDANT:			CASE NUMBER:
STIPULATION – DISCOVERY RESOLUTION			

This stipulation is intended to provide a fast and informal resolution of discovery issues through limited paperwork and an informal conference with the Court to aid in the resolution of the issues.

The parties agree that:

1. Prior to the discovery cut-off in this action, no discovery motion shall be filed or heard unless the moving party first makes a written request for an Informal Discovery Conference pursuant to the terms of this stipulation.
2. At the Informal Discovery Conference the Court will consider the dispute presented by parties and determine whether it can be resolved informally. Nothing set forth herein will preclude a party from making a record at the conclusion of an Informal Discovery Conference, either orally or in writing.
3. Following a reasonable and good faith attempt at an informal resolution of each issue to be presented, a party may request an Informal Discovery Conference pursuant to the following procedures:
 - a. The party requesting the Informal Discovery Conference will:
 - i. File a Request for Informal Discovery Conference with the clerk's office on the approved form (copy attached) and deliver a courtesy, conformed copy to the assigned department;
 - ii. Include a brief summary of the dispute and specify the relief requested; and
 - iii. Serve the opposing party pursuant to any authorized or agreed method of service that ensures that the opposing party receives the Request for Informal Discovery Conference no later than the next court day following the filing.
 - b. Any Answer to a Request for Informal Discovery Conference must:
 - i. Also be filed on the approved form (copy attached);
 - ii. Include a brief summary of why the requested relief should be denied;

SHORT TITLE:	CASE NUMBER:
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- iii. Be filed within two (2) court days of receipt of the Request; and
 - iv. Be served on the opposing party pursuant to any authorized or agreed upon method of service that ensures that the opposing party receives the Answer no later than the next court day following the filing.
- c. No other pleadings, including but not limited to exhibits, declarations, or attachments, will be accepted.
 - d. If the Court has not granted or denied the Request for Informal Discovery Conference within ten (10) days following the filing of the Request, then it shall be deemed to have been denied. If the Court acts on the Request, the parties will be notified whether the Request for Informal Discovery Conference has been granted or denied and, if granted, the date and time of the Informal Discovery Conference, which must be within twenty (20) days of the filing of the Request for Informal Discovery Conference.
 - e. If the conference is not held within twenty (20) days of the filing of the Request for Informal Discovery Conference, unless extended by agreement of the parties and the Court, then the Request for the Informal Discovery Conference shall be deemed to have been denied at that time.
- 4. If (a) the Court has denied a conference or (b) one of the time deadlines above has expired without the Court having acted or (c) the Informal Discovery Conference is concluded without resolving the dispute, then a party may file a discovery motion to address unresolved issues.
 - 5. The parties hereby further agree that the time for making a motion to compel or other discovery motion is tolled from the date of filing of the Request for Informal Discovery Conference until (a) the request is denied or deemed denied or (b) twenty (20) days after the filing of the Request for Informal Discovery Conference, whichever is earlier, unless extended by Order of the Court.
- It is the understanding and intent of the parties that this stipulation shall, for each discovery dispute to which it applies, constitute a writing memorializing a "specific later date to which the propounding [or demanding or requesting] party and the responding party have agreed in writing," within the meaning of Code Civil Procedure sections 2030.300(c), 2031.320(c), and 2033.290(c).
- 6. Nothing herein will preclude any party from applying *ex parte* for appropriate relief, including an order shortening time for a motion to be heard concerning discovery.
 - 7. Any party may terminate this stipulation by giving twenty-one (21) days notice of intent to terminate the stipulation.
 - 8. References to "days" mean calendar days, unless otherwise noted. If the date for performing any act pursuant to this stipulation falls on a Saturday, Sunday or Court holiday, then the time for performing that act shall be extended to the next Court day.

SHORT TITLE:	CASE NUMBER:
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The following parties stipulate:

Date:

(TYPE OR PRINT NAME)

Date:

(TYPE OR PRINT NAME)

Date:

(TYPE OR PRINT NAME)

Date:

(TYPE OR PRINT NAME)

Date:

(TYPE OR PRINT NAME)

Date:

(TYPE OR PRINT NAME)

Date:

(TYPE OR PRINT NAME)

➤

(ATTORNEY FOR PLAINTIFF)

➤

(ATTORNEY FOR DEFENDANT)

➤

(ATTORNEY FOR DEFENDANT)

➤

(ATTORNEY FOR DEFENDANT)

➤

(ATTORNEY FOR _____)

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(ATTORNEY FOR _____)

➤

(ATTORNEY FOR _____)

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NAME AND ADDRESS OF ATTORNEY OR PARTY WITHOUT ATTORNEY:		STATE BAR NUMBER	Reserved for Clerk's File Stamp
TELEPHONE NO.: E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name):		FAX NO. (Optional):	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES			
COURTHOUSE ADDRESS:			
PLAINTIFF:			
DEFENDANT:			
INFORMAL DISCOVERY CONFERENCE (pursuant to the Discovery Resolution Stipulation of the parties)			CASE NUMBER:

1. This document relates to:

☐
☐

Request for Informal Discovery Conference
 Answer to Request for Informal Discovery Conference

2. Deadline for Court to decide on Request: _____ (insert date 10 calendar days following filing of the Request).

3. Deadline for Court to hold Informal Discovery Conference: _____ (insert date 20 calendar days following filing of the Request).

4. For a Request for Informal Discovery Conference, briefly describe the nature of the discovery dispute, including the facts and legal arguments at issue. For an Answer to Request for Informal Discovery Conference, briefly describe why the Court should deny the requested discovery, including the facts and legal arguments at issue.

NAME AND ADDRESS OF ATTORNEY OR PARTY WITHOUT ATTORNEY:		STATE BAR NUMBER	Reserved for Clerk's File Stamp
TELEPHONE NO.: E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name):		FAX NO. (Optional):	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES			
COURTHOUSE ADDRESS:			
PLAINTIFF:			
DEFENDANT:			
STIPULATION AND ORDER – MOTIONS IN LIMINE			CASE NUMBER:

This stipulation is intended to provide fast and informal resolution of evidentiary issues through diligent efforts to define and discuss such issues and limit paperwork.

The parties agree that:

1. At least ____ days before the final status conference, each party will provide all other parties with a list containing a one paragraph explanation of each proposed motion in limine. Each one paragraph explanation must identify the substance of a single proposed motion in limine and the grounds for the proposed motion.
2. The parties thereafter will meet and confer, either in person or via teleconference or videoconference, concerning all proposed motions in limine. In that meet and confer, the parties will determine:
 - a. Whether the parties can stipulate to any of the proposed motions. If the parties so stipulate, they may file a stipulation and proposed order with the Court.
 - b. Whether any of the proposed motions can be briefed and submitted by means of a short joint statement of issues. For each motion which can be addressed by a short joint statement of issues, a short joint statement of issues must be filed with the Court 10 days prior to the final status conference. Each side's portion of the short joint statement of issues may not exceed three pages. The parties will meet and confer to agree on a date and manner for exchanging the parties' respective portions of the short joint statement of issues and the process for filing the short joint statement of issues.
3. All proposed motions in limine that are not either the subject of a stipulation or briefed via a short joint statement of issues will be briefed and filed in accordance with the California Rules of Court and the Los Angeles Superior Court Rules.

SHORT TITLE:	CASE NUMBER:
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The following parties stipulate:

Date:

(TYPE OR PRINT NAME)

Date:

(TYPE OR PRINT NAME)

Date:

(TYPE OR PRINT NAME)

Date:

(TYPE OR PRINT NAME)

Date:

(TYPE OR PRINT NAME)

Date:

(TYPE OR PRINT NAME)

Date:

(TYPE OR PRINT NAME)

➤

(ATTORNEY FOR PLAINTIFF)

➤

(ATTORNEY FOR DEFENDANT)

➤

(ATTORNEY FOR DEFENDANT)

➤

(ATTORNEY FOR DEFENDANT)

➤

(ATTORNEY FOR _____)

➤

(ATTORNEY FOR _____)

➤

(ATTORNEY FOR _____)

THE COURT SO ORDERS.

Date: _____

JUDICIAL OFFICER

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FILED
LOS ANGELES SUPERIOR COURT

MAY 11 2011

JOHN A. CLARKE, CLERK
N. Navarro
BY NANCY NAVARRO, DEPUTY

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES**

General Order Re)	ORDER PURSUANT TO CCP 1054(a),
Use of Voluntary Efficient Litigation)	EXTENDING TIME TO RESPOND BY
Stipulations)	30 DAYS WHEN PARTIES AGREE
)	TO EARLY ORGANIZATIONAL
)	MEETING STIPULATION

Whereas the Los Angeles Superior Court and the Executive Committee of the Litigation Section of the Los Angeles County Bar Association have cooperated in drafting "Voluntary Efficient Litigation Stipulations" and in proposing the stipulations for use in general jurisdiction civil litigation in Los Angeles County;

Whereas the Los Angeles County Bar Association Litigation Section; the Los Angeles County Bar Association Labor and Employment Law Section; the Consumer Attorneys Association of Los Angeles; the Association of Southern California Defense Counsel; the Association of Business Trial Lawyers of Los Angeles; and the California Employment Lawyers Association all "endorse the goal of promoting efficiency in litigation, and ask that counsel consider using these stipulations as a voluntary way to promote communications and procedures among counsel and with the court to fairly resolve issues in their cases;"

1 Whereas the Early Organizational Meeting Stipulation is intended to encourage
2 cooperation among the parties at an early stage in litigation in order to achieve
3 litigation efficiencies;

4 Whereas it is intended that use of the Early Organizational Meeting Stipulation
5 will promote economic case resolution and judicial efficiency;

6
7 Whereas, in order to promote a meaningful discussion of pleading issues at the
8 Early Organizational Meeting and potentially to reduce the need for motions to
9 challenge the pleadings, it is necessary to allow additional time to conduct the Early
10 Organizational Meeting before the time to respond to a complaint or cross complaint
11 has expired;

12
13 Whereas Code of Civil Procedure section 1054(a) allows a judge of the court in
14 which an action is pending to extend for not more than 30 days the time to respond to
15 a pleading "upon good cause shown";

16
17 Now, therefore, this Court hereby finds that there is good cause to extend for 30
18 days the time to respond to a complaint or to a cross complaint in any action in which
19 the parties have entered into the Early Organizational Meeting Stipulation. This finding
20 of good cause is based on the anticipated judicial efficiency and benefits of economic
21 case resolution that the Early Organizational Meeting Stipulation is intended to
22 promote.

23
24 IT IS HEREBY ORDERED that, in any case in which the parties have entered
25 into an Early Organizational Meeting Stipulation, the time for a defending party to
26 respond to a complaint or cross complaint shall be extended by the 30 days permitted
27
28

1 by Code of Civil Procedure section 1054(a) without further need of a specific court
2 order.

3
4 DATED: May 11, 2011

Carolyn B. Kuhl
Carolyn B. Kuhl, Supervising Judge of the
Civil Departments, Los Angeles Superior Court

FILED
Superior Court of California
County of Los Angeles

2022-SJ-008-03

SEP 20 2022

Sherri R. Carter, Executive Officer/Clerk
By Anoush Michitarian, Deputy

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES – CENTRAL DISTRICT

In re Personal Injury Cases Assigned to the) EIGHTH AMENDED STANDING ORDER
Personal Injury Hub Courts (Spring Street) FOR PROCEDURES IN THE PERSONAL
Courthouse)) INJURY HUB COURTS EFFECTIVE
OCTOBER 10, 2022

STANDING ORDER RE: PROCEDURES AT PERSONAL INJURY

HUB COURTS AT THE SPRING STREET COURTHOUSE

The Superior Court of California, in and for the County of Los Angeles (Superior Court, Los Angeles County), hereby issues the following order prescribing the procedures to be followed in the Personal Injury Hub Courts at the Spring Street Courthouse.

1. Authority

This order is being made pursuant to the Code of Civil Procedure, the California Rules of Court, rule 3.720, and the Superior Court, Los Angeles County, Local Rules, rule 3.23. It supersedes the following General and Standing Orders:

- A. Amended General Order Re: General Jurisdiction Personal Injury Cases – Filing Location (5/16/2014);
- B. First Amended Standing Order Re: Final Status Conference, Personal Injury (“PI”) Courts (4/16/2018);

2022-SJ-008-03

- 1 C. First Amended Standing Order Re: Personal Injury Procedures at the Spring
2 Street Courthouse (2/24/2020);
- 3 D. Third Amended Standing Order Re: Final Status Conference, Personal Injury
4 ("PI") Courts (2/24/2020);
- 5 E. Fifth Amended Standing Order Re: Mandatory Settlement Conference
6 (2/24/2020);
- 7 F. Amended Supplemental Standing Order re Covid Protective Measures Related to
8 Final Status Conferences in Personal Injury Cases at the Spring Street Courthouse
9 (12/22/2020);
- 10 G. Sixth Amended Standing Order Re: Mandatory Settlement Conference
11 (6/23/2021);
- 12 H. Second Amended Supplemental Standing Order re Covid Protective Measures
13 Related to Final Status Conferences in Personal Injury Cases at the Spring Street
14 Courthouse (10/08/2021) and
- 15 I. Seventh Amended Standing Order for Procedures in the Personal Injury Hub
16 Courts (5/16/2022).

17 **2. Assignment of Personal Injury (PI) Cases to Judicial Districts; Assignments within**
18 **Central District**

- 19 • Unless otherwise ordered, all pending cases remain where they are assigned.
- 20 • On or after October 10, 2022, all newly filed PI cases, as defined in Los Angeles
21 County Local Rules, rule 2.3, shall be filed in the judicial district where the
22 incident arose.

23 ///

2022-SJ-008-03

- Parties filing PI cases should use the filing court locator on the Los Angeles Superior Court website to determine the appropriate filing location (www.lacourt.org and <https://www.lacourt.org/filinglocatornet/ui/filingsearch.aspx?CT=CI>).

On or after October 10, 2022, all newly filed PI cases assigned to the Central District shall be assigned to a Personal Injury Hub court unless the case type is one of the following:

- ☐ 2401 Product Liability (not asbestos or toxic/environmental)
- ☐ 2402 Product Liability – Song-Beverly Consumer Warranty Act (Civil Code, sections 1790-1795.8) (Lemon Law)
- ☐ 2305 Elder/Dependent Adult Abuse and Claims Against Skilled Nursing Facility
- ☐ 2306 Intentional Conduct - Sexual Abuse Case (in any form)
- ☐ 2308 Landlord - Tenant Habitability (e.g., bed bugs, mold, etc.)
- ☐ 4501 Medical Malpractice - Physicians & Surgeons
- ☐ 4502 Other Professional Health Care Malpractice

These cases will be assigned to Independent Calendar Courts which will handle such cases for all purposes, including trial.

3. Assignment to PI Hub Court and Final Status Conference, Trial, and Order to Show Cause Dates

All PI Cases filed in the Central District will be assigned to the PI Hub Court. Upon filing, a case will be assigned a trial date approximately 18 months from the filing date, a Final Status Conference (FSC) date approximately eight court days prior to the trial date, and a date for a hearing on an Order to Show Cause why the case should not be dismissed pursuant to Code of Civil Procedure, sections 583.410 and 583.420 approximately 24 months from the filing date.

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4. Transferring Cases from the PI Hub Courts

The PI Hub Courts may transfer a case *sua sponte* based upon a determination that the case is either not a PI case or that it requires more case management than the PI Hub Courts can provide, given their case inventories.

5. Filing of Documents

Except for self-represented litigants or counsel who have obtained an exemption from mandatory electronic filing, parties must electronically file documents. Filings are no longer accepted via facsimile. The requirements for electronic filing are detailed in the Superior Court, Los Angeles County's operative General Order Re Mandatory Electronic Filing for Civil, available online at <https://www.lacourt.org/division/efiling/pdf/GenOrdCivilEfiling.pdf>.

6. Service of Summons and Complaint

Plaintiff(s) shall serve the summons and complaint upon defendant(s) within 60 days of filing of the complaint. (California Rules of Court, rule 3.110 (b).) Failure to do so may result in the imposition of sanctions. (Code of Civil Procedure, sections 128, 177.5; California Rules of Court, rule 2.30.) In addition, at a hearing on an Order to Show Cause re Dismissal (described in Paragraph three above), the PI Hub Courts may dismiss the case and/or all unserved parties unless plaintiff(s) shows cause why the case or the unserved parties should not be dismissed. (Code of Civil Procedure, sections 583.410, 583.420.)

7. Stipulations to Advance or Continue Trial

The Court may honor stipulations by all parties to a case to advance or continue a trial, provided that the proposed trial date is not beyond 24 months of the filing of the complaint, without a showing of good cause.

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1 To advance or continue a trial date, the parties (or their counsel of record) should
2 jointly execute and submit a (Proposed) Order and Stipulation to Continue Trial, FSC [and
3 Related Motion/Discovery Dates Personal Injury Courts Only (Central District)] (LACIV-
4 CTRL242). The PI Hub Courts schedule FSCs at 10:00 a.m., approximately eight court days
5 before the trial date. Parties seeking to advance or continue trial and FSC dates shall file the
6 stipulation at least eight court days before the existing FSC date. (Code of Civil Procedure,
7 section 595.2; Government Code, section 70617(c)(2).) In selecting a new trial date, parties
8 should avoid setting on Mondays, or Tuesdays following a court holiday.

9 Parties may submit a maximum of two stipulations to continue trial for a total
10 continuance of six months before 24 months of the filing of the complaint. Other requests to
11 continue trial will be granted only upon a showing of good cause by noticed motion.

12 **8. No Case Management Conferences**

13 The PI Hub Courts do not conduct case management conferences. Thus, the parties need
14 not file a Case Management Conference Statement.

15 **9. Law and Motion**

16 **A. Reservation Hearing Date**

17 Parties must reserve hearing dates for motions in the PI Hub Courts using the
18 Court Reservation System (CRS) available online (www.lacourt.org). After reserving a motion
19 hearing date, the reservation requestor must submit the moving papers for filing with the
20 reservation receipt number printed on the face page of the document under the caption and attach
21 the reservation receipt as the last page.

22 As soon as a reservation requestor realizes that a motion hearing, or other
23 proceeding requiring a reservation in the PI Hub Courts, such as in Informal Discovery

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1 Conference (IDC) will not be necessary, the reservation requestor shall immediately use CRS to
2 cancel the reservation for the motion hearing, or other proceeding requiring a reservation.

3 If the moving party deems the hearing date to be too far in the future (for example, after
4 the trial date), parties should check CRS from time to time because earlier hearing dates may
5 become available as cases settle or hearings are taken off calendar. Except in extraordinary
6 circumstances, the court will not grant ex parte applications to advance a hearing date because it
7 is set after a trial date. If a hearing is set after the trial date, the moving party should seek to
8 continue the trial by noticed motion instead.

9 B. Electronically Filed Documents

10 Any and all electronically filed documents must be text searchable and
11 bookmarked pursuant to the operative General Order re Mandatory Electronic Filing for Civil,
12 General Order re Mandatory Electronic Filing in Civil.

13 C. Courtesy Copies

14 Courtesy copies are required for Ex Parte Applications, Motions for Summary
15 Judgment, Oppositions to Ex Parte Applications and Motions for, Oppositions to, and Replies to
16 Oppositions to Motions for Summary Judgment or Summary Adjudication.

17 Courtesy copies must be submitted directly to the assigned PI Hub Court at the
18 Spring Street Courthouse. The PI Hub Courts strongly encourage the parties filing and
19 opposing lengthy motions for summary judgment or adjudication, to submit one or more three-
20 ring binders organizing the courtesy copies behind tabs. Any courtesy copies of documents
21 with declarations and/or exhibits must be tabbed. (California Rules of Court, rule 3.1110(f).)
22 All deposition excerpts referenced in briefs must be marked on the transcripts attached as

23 ///

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1 exhibits. (California Rules of Court, rule 3.1116(c).) Courtesy copies, including any media
2 attached thereto, will be destroyed by the Court without notice following the hearing.

3 D. Withdrawal of Motions

4 If a moving party takes a motion off a PI Hub court's calendar, the moving party
5 must notify the court immediately and should remove the item from the Court's calendar on
6 CRS. (California Rules of Court, rule 3.1304(b).) If, in response to a demurrer or a motion to
7 strike, a party exercises its right to amend a pleading as prescribed by Code of Civil Procedure
8 section 472(a), the court requests that party work with the party who filed the demurrer or motion
9 to strike to take the demurrer or motion to strike off calendar so that the PI Hub Courts do not
10 needlessly prepare tentative rulings.

11 E. Motions to Compel Further Responses to Discovery

12 PI Hub Courts will not hear Motions to Compel Further Discovery Responses to
13 Discovery until the parties have engaged in an Informal Discovery Conference (IDC).

14 PI Hub Courts may deny or continue a Motion to Compel Further Responses to
15 Discovery if parties fail to schedule and complete an IDC before the scheduled hearing on a
16 Motion to Compel Further Responses to Discovery.

17 After meeting and conferring about available dates for an IDC, the
18 moving/propounding party shall reserve an IDC through CRS (see paragraph 9 above) and
19 provide notice of the reserved IDC to the opposing/responding party by filing and serving an
20 Informal Discovery Conference Form for Personal Injury Courts LASC CIV 239 at least 15
21 court days before the IDC and attach the CRS reservation receipt as the last page. **The IDC will**
22 **not be "scheduled" by the court until the IDC Form is filed.** The opposing/responding party
23 ///

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1 may file and serve a responsive IDC Form at least 10 court days before the IDC. All parties
2 shall briefly set forth their respective positions on the pending discovery issues on the IDC Form.

3 Ideally, the parties should participate in an IDC before a Motion to Compel
4 Further Discovery Responses is filed because the IDC may avoid the necessity of such a motion
5 or, at least, reduce its scope. Because of that possibility, parties are encouraged to stipulate to
6 extend the deadline for filing a Motion to Compel Further Discovery Responses by 60 days in
7 order to allow time to participate in an IDC and to informally resolve the pending discovery
8 issues.

9 Note: Reserving or scheduling an IDC **does not extend the time to file a Motion**
10 **to Compel Further Discovery Responses.**

11 If parties do not stipulate to extend the deadline(s) to file a Motion to Compel
12 Further Discovery Responses, the moving/propounding party may file the motion to avoid it
13 being deemed untimely. However, the IDC must take place before the motion is heard so it is
14 suggested that the moving party reserve a date for the motion hearing that is at least 60 days after
15 the date when an IDC is scheduled. Note: A party's failure to stipulate to extend the time to
16 bring a Motion to Compel Further Discovery Responses so that an IDC may be held may subject
17 the parties and/or counsel to the imposition of sanctions.

18 The PI Hub Courts have found that, in most cases, IDCs are successful at assisting
19 the parties to amicably resolve their discovery disputes, and in resolving the case as a whole.
20 The purpose of the IDC is to assist the parties to resolve and/or narrow the scope of discovery
21 disputes. Therefore, parties, through their respective counsel of record with full authority to
22 make binding agreements, shall participate in the scheduled IDC. The PI Hub Courts have found
23 that most discovery disputes result from a failure to meaningfully meet and confer on the pending

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1 discovery issues. The PI Hub Courts generally find that meeting and conferring by only
2 exchanging letters and e-mails, as opposed to actual conversation, are insufficient and
3 ineffective. Thus, in requesting an IDC, the parties must indicate on their IDC forms what efforts
4 were made to informally resolve pending discovery issues, which must include in-person or
5 virtual meetings or telephonic communications. (The PI Hub Courts require this same showing
6 in declarations filed in support of, and in opposition to, Motions to Compel Further Discovery
7 Responses.)

8 Time permitting, the PI Hub Courts may be available to conduct IDCs to resolve
9 other types of discovery disputes.

10 **10. Ex Parte Applications**

11 The PI Hub Courts will only grant ex parte relief upon a showing, by admissible
12 evidence, that the moving party will suffer "irreparable harm," "immediate danger," or where
13 the moving party identifies "a statutory basis for granting relief ex parte." (California Rules of
14 Court, rule 3.1202(c).) The PI Hub Courts have no capacity to hear multiple ex parte
15 applications or to shorten time to add hearings to their fully booked motion calendars. Given
16 the PI Hub Courts' impacted calendars, a PI Hub Court's unavailability for timely motion
17 hearings is not an "immediate danger" or threat of "irreparable harm" justifying ex parte relief.
18 Instead of seeking ex parte relief, the moving party should reserve the earliest available motion
19 hearing date (even if it is after the scheduled trial date) and file a noticed motion to continue the
20 trial.

21 And, again, parties should check CRS from time to time because earlier hearing dates
22 may become available as cases settle or hearings are taken off calendar.

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11. Jury Fees

Parties must pay jury fees no later than 365 calendar days after the filing of the initial complaint. (Code of Civil Procedure, section 631(c)(2).)

12. Final Status Conference

A. Purpose

The purpose of the FSC is to verify that the parties are completely ready to proceed with trial continuously and efficiently, from day to day, until verdict. The PI Hub Courts will verify at the FSC that all parties have (1) prepared all necessary trial documents, and (2) met and conferred in an effort to stipulate to ultimate facts, legal issues, Motions in Limine, and the authentication/foundation and admissibility of exhibits.

B. Trial Documents to Be Filed

At least five calendar days prior to the FSC, the parties shall serve and file the following Trial Readiness Documents:

1. Trial Briefs (Optional)

Each party may, but is not required to, file a trial brief succinctly identifying:

- a. the claims and defenses subject to litigation;
- b. the major legal issues (with supporting points and authorities);
- c. the relief claimed and calculation of damages sought; and
- d. any other information that may assist the court at trial.

2. Motions in Limine

Before filing Motions in Limine, the parties shall comply with the statutory notice provisions of Code of Civil Procedure section 1005 and the requirements of the

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1 Superior Court, Los Angeles County, Local Rules, rule 3.57(a). The caption of each Motion in
2 Limine shall concisely identify the evidence that the moving party seeks to preclude. Parties
3 filing more than one Motion in Limine shall number them consecutively. Parties filing
4 opposition and reply documents shall identify the corresponding motion number in the caption.

5 3. Joint Statement to Be Read to the Jury

6 For jury trials, the parties shall prepare and file a joint written statement
7 of the case for the trial court to read to the jury. (Superior Court, Los Angeles County, Local
8 Rules, rule 3.25(g)(4).)

9 4. Joint Witness List

10 The parties shall prepare and file a joint, alphabetized by last name, list of
11 all witnesses that each party intends to call, excluding impeachment and rebuttal witnesses.
12 (Superior Court, Los Angeles County, Local Rules, rule 3.25(g)(5).) The joint witness list shall
13 identify each witness by name, specify which witnesses are non-experts and experts, estimate
14 the length of the direct, cross, and re-direct examination of each witness, and include a total
15 number of hours for all witness testimony. The parties shall identify all potential witness
16 scheduling issues and special requirements. Any party who seeks to elicit testimony from a
17 witness not identified on the witness list must first make a showing of good cause to the trial
18 court.

19 5. List of Proposed Jury Instructions (Joint and Contested)

20 The parties shall jointly prepare and file a list of proposed jury
21 instructions, organized in numerical order, including columns to indicate whether an instruction
22 is agreed to or contested. In addition, the List of Proposed Jury Instructions must include

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1 columns for a trial judge to indicate whether an instruction was given, given as modified, refused
2 or withdrawn. (California Rules of Court, rule 2.1055.)

3 6. Jury Instructions (Joint and Contested)

4 The parties shall prepare a complete set of full text proposed jury
5 instructions in a format ready for submission to the jury, by editing all proposed California Civil
6 Jury Instructions including inserting party name(s) and eliminating blanks, brackets, and
7 irrelevant material. The parties may prepare special instructions in a format ready for submission
8 to the jury with the instruction number, title, and text only (i.e., **there should be no boxes or**
9 **other indication on the printed instruction itself as to which party is requesting the**
10 **instruction**).

11 7. Joint Verdict Form(s)

12 The parties shall prepare and jointly file a proposed general verdict form
13 or special verdict form (with interrogatories) acceptable to all parties. (Superior Court, Los
14 Angeles County, Local Rules, rule 3.25(g)(8).) If the parties cannot agree on a joint verdict form,
15 each party must separately file a proposed verdict form.

16 8. Joint Exhibit List

17 The parties shall prepare and file a joint exhibit list organized with
18 columns identifying each exhibit, setting forth stipulations, if any, to authenticity/foundation
19 and admissibility of exhibits, and specifying evidentiary objections, if any, to the admission of
20 an exhibit. If an objection to an exhibit is not articulated on the exhibit list, the trial court may
21 deem the exhibit admitted. The parties shall meet and confer regarding stipulations to
22 authenticity/foundation and admissibility of exhibits, and to resolve objections, if any, to the
23 admission of an exhibit, before filing the Joint Exhibit List.

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9. Page and Line Designation for Deposition and Former Testimony

If the parties intend to use deposition testimony or former trial testimony in lieu of any witness' live testimony, the parties shall meet and confer, and jointly prepare and file a chart with columns for each of the following: 1) the page and line designations of the deposition or former testimony requested for use, 2) objections, 3) counter-designations, 4) any responses thereto, and 5) the court's ruling.

C. Items to be Presented at the Final Status Conference

1. Trial Binders

The parties shall jointly prepare (and be ready to temporarily lodge) 3-ring binders containing conformed (filed in eCourt) copies of all the following:

Tab A: Trial Briefs (Optional)

Tab B: Motions in Limine

The parties shall organize Motions in Limine (tabbed in numerical order) with the opposition papers and reply papers for each motion placed directly behind the moving papers.

Tab C: Joint Statement to Be Read to the Jury

Tab D: Joint Witness List

Tab E: Joint List of Jury Instructions (identifying the agreed upon and contested instructions)

Tab F: Joint and Contested Jury Instructions

The parties shall organize proposed jury instructions with the agreed upon instructions first in order followed by the contested instructions (including special instructions) submitted by each party.

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Tab G: Joint and/or Contested Verdict Form(s)

Tab H: Joint Exhibit List

Tab I: Joint Chart of Page and Line Designation(s) for Deposition and Former Testimony

Tab J: Copies of the Current Operative Pleadings (including the operative complaint, answer, cross-complaint, if any, and answer to any cross-complaint).

2. Filing and Electronic Submission of trial documents

In an effort to reduce the number of in-person appearances in the PI Hub Courts, in addition to the parties filing and serving the Trial Documents at least five calendar days prior to the FSC, two court days prior to the FSC, the parties must provide the PI Hub Court with the trial binders in electronic form (see below). This will allow parties to appear remotely for the FSC and provide the PI Hub Courts with the opportunity to review the trial binders to determine whether parties are ready for trial. Hard copies of the trial binders will continue to be required for the trial.

a. The parties must submit in one PDF conformed copies of the joint statement of the case, joint witness list, joint list of jury instructions, full-text joint and contested jury instructions, joint and/or contested verdict form(s), joint exhibit list, joint deposition designation chart, and operative pleadings as listed in paragraph C.1. above (Tabs C through J).

b. The trial briefs and Motions in Limine, oppositions, and replies, if any, must be submitted in a separate PDF as listed in paragraph

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C.1 above (Tabs A and B). **If a Motion in Limine and exhibits thereto exceed 10 pages, the parties may submit just the face page of the motion.** (The entire motion will still need to be brought to the trial in the appropriate binder.)

- c. The PDFs must be text searchable.
- d. The PDFs must be bookmarked which is essentially an electronic tab so that the PI Hub Court is able to find and navigate among the trial documents.
(See <https://helpx.adobe.com/acrobat/using/page-thumbnails-bookmarks-pdfs.html> for bookmarking instructions.)
- e. The PDFs must be emailed to the applicable email address listed below:

Department 27 at sscdept27FSC@LACourt.org

Department 28 at sscdept28FSC@LACourt.org

Department 29 at sscdept29FSC@LACourt.org

Department 30 at sscdept30FSC@LACourt.org

Department 31 at sscdept31FSC@LACourt.org

Department 32 at sscdept32FSC@LACourt.org

- f. The subject line in the email must include identifying case information as follows:

[Insert Case Number] Trial Readiness Binder, FSC, [Insert MM/DD/YEAR of Hearing Date] (e.g., 20STCV00001 Trial Readiness Binder, FSC 01/11/2022).

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- 1 g. Each email should have two PDFs attached – one containing the
2 trial documents and the other containing the trial briefs and
3 Motions in Limine, if applicable.
- 4 h. The parties need not email the evidentiary exhibit binders to the
5 PI Hub Court for the FSC. However, the parties shall prepare the
6 exhibit binders as required (see section 3. Evidentiary Exhibits,
7 below) and be prepared to represent to the PI Hub Court that the
8 binders have been properly prepared. Hard copies of the exhibit
9 binders will be required for the trial court.

10 3. Evidentiary Exhibits

11 The parties shall jointly prepare (and be ready to temporarily lodge for
12 inspection at the FSC) three sets of tabbed, internally paginated by document, and properly
13 marked exhibits, organized numerically in three-ring binders (a set for the trial court, the judicial
14 assistant, and the witnesses). The parties shall mark all non-documentary exhibits and insert a
15 simple written description of the exhibit behind the corresponding numerical tab in the exhibit
16 binder.

17 D. Failure To Comply with Final Status Conference Obligations

18 The PI Hub Courts have the discretion to require any party or counsel of record
19 who fails or refuses to comply with this Standing Order to show cause why the court should not
20 impose monetary, evidentiary, and/or issue sanctions (including the entry of a default or the
21 striking of an answer) (Code of Civil Procedure, section 575.2).

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1 **13. Mandatory Settlement Conferences**

2 Mandatory Settlement Conferences (MSC) are available on a virtual platform hosted by
3 the Beverly Hills Bar Association at ResolveLawLA.com. MSCs are conducted by volunteer
4 attorneys from the American Board of Trial Advocates, the Association of Southern California
5 Defense Counsel, the Consumer Attorneys Association of Los Angeles, and the Beverly Hills
6 Bar Association and are overseen by the court.

7 MSCs are available in cases with two sides¹ 1) by stipulation, or 2) by court order at the
8 Final Status Conference. If parties stipulate to participate in a ResolveLawLA MSC, they must
9 seek leave of court to do so, by making an ex parte application using the PI Hub MSC
10 Stipulation form. Both parties should appear at the ex parte hearing. At the Final Status
11 Conference, the court may order parties to participate in a MSC if the court feels that it could
12 assist the parties in resolving the case.

13 Whether by stipulation or court order, parties must access the ResolveLawLA website
14 at www.ResolveLawLA.com to create an account and register the case for MSC within two court
15 days of the court's order of the MSC. Plaintiff or his, her or their counsel (plaintiff) must
16 coordinate with defendant or his, her or their counsel (defendant) and select a mutually agreed
17 upon date and time for the MSC prior to the trial date. Plaintiff shall also provide the name,
18 email address, and phone number for Defendant when registering the case for an MSC.

19 A MSC brief shall be lodged by each party at ResolveLawLA.com and served
20 on all parties not less than five court days before the scheduled MSC. The settlement
21 conference statement shall be limited to five pages on the MSC Brief and 10 pages for exhibits.

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23 ¹Cases with cross-complaints or separately represented defendants are not eligible.

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1 ResolveLawLA MSCs are available at 9 a.m. and 1:30 p.m. Monday through Friday,
2 excluding court holidays, and are conducted on a virtual platform. After a MSC is scheduled,
3 the ResolveLawLA system will send notifications via text and/or email and will include a link
4 for counsel, the parties, and insurance representatives to join the MSC remotely.

5 Pursuant to California Rules of Court, rule 3.1380(b) and Superior Court, Los Angeles
6 County, Local Rules, rule 3.25(d), counsel, the parties, and persons with full authority to settle
7 the case (including insurance company representatives) must attend the MSC virtually unless a
8 judicial officer has excused the virtual appearance for good cause. Once defendants are notified
9 that a case has been scheduled for a MSC, defendants shall create their own login to the
10 ResolveLawLA.com system, and shall list all parties, party representatives and insurance
11 adjusters' names, phone numbers, and emails where indicated. In the event the MSC needs to be
12 canceled or rescheduled, it must be canceled through ResolveLawLA.

13 If the case settles before a scheduled MSC, parties shall forthwith notify the PI Hub Court
14 to which the case is assigned of such settlement. The parties should also document their
15 settlement agreement in writing signed by all parties whether before or at the scheduled MSC.

16 14. Trials

17 The PI Hub Courts do not conduct trials. On the trial date, all parties and/or their trial
18 counsel **must appear in person with trial and exhibit binders** in the PI Hub Court assigned to
19 the case. Upon confirming that the parties are trial-ready, the PI Hub Court will obtain a trial
20 court assignment from Stanley Mosk Courthouse, department 1, and will inform the parties
21 and/or trial counsel of the assignment. The parties then have 20 minutes within which to exercise
22 a peremptory challenge to the assigned trial court, assuming that party had not previously
23 exercised the party's right to make such a challenge.

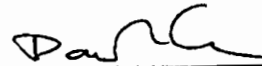
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1 Should a plaintiff fail to appear at trial, the PI Hub Court will dismiss the case without
2 prejudice. (Code of Civil Procedure, section 581(b)(3).) If a defendant fails to appear at trial, the
3 PI Hub court will obtain a trial court assignment from department 1 and the plaintiff will
4 proceed with an uncontested trial pursuant to Code of Civil Procedure section 594 and *Warden*
5 *v. Lamb* (1929) 98 Cal.App. 738, 741.

6 **15. Sanctions**

7 The court has discretion to impose sanctions for any violation of this Standing Order.
8 (Code of Civil Procedure, sections 128.7, 177.5, 187; Government Code, section 68608(b);
9 California Rules of Court, rule 2.30.)

10
11 DATED: September 20, 2022



Judge David J. Cowan
Supervising Judge, Civil Division

EXHIBIT B

JEFFREY D HOSKING, SBN 163975
jdh@mhfirm.law
McCAFFERY | HOSKING LLP
1777 Botelho Drive, Suite 360
Walnut Creek, CA 94596-5084
Telephone: 925.705.7358
Facsimile: 925.705.7131

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Superior Court of California,
County of Los Angeles
2/13/2024 1:59 PM
David W. Slayton,
Executive Officer/Clerk of Court,
By R. Figlio, Deputy Clerk

Attorneys for Defendant FlixBus, Inc.

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF LOS ANGELES

ESTATE OF JACKELINE CHAVEZ, by
and through its Successor-in-interest,
ELBA PARRA,

Plaintiff,

v.

FLIXBUS, INC., and DOES 1 to 50,
inclusive,

Defendants.

Case No. 23STCV20361

**DEFENDANT FLIXBUS INC.'S ANSWER
TO COMPLAINT**

DEMAND FOR JURY TRIAL

Action Filed: 8/24/2023

Trial Date: Not Set

COMES NOW Defendant FLIXBUS, INC., and in answer to the complaint on file
herein, denies generally and specifically, each and every, all and singular, the allegations
contained therein.

AS AND FOR A FURTHER, SEPARATE ANSWER AND AFFIRMATIVE
DEFENSE, THIS ANSWERING DEFENDANT ALLEGES:

That the Complaint on file herein does not state facts sufficient to constitute causes of
action against this answering defendant.

AS AND FOR A SECOND SEPARATE AND AFFIRMATIVE DEFENSE, THIS
ANSWERING DEFENDANT ALLEGES:

That decedent Jackeline Chavez was careless and negligent in the premises
complained of which negligence proximately caused and contributed to her own injuries
and/or damages.

///

1 AS AND FOR A THIRD SEPARATE AND AFFIRMATIVE DEFENSE, THIS
2 ANSWERING DEFENDANT ALLEGES:

3 Should plaintiff recover damages against any defendant, said defendant is entitled to
4 have the amount abated, reduced or eliminated to the extent decedent Jackeline Chavez's
5 negligence caused or contributed to her own injuries and damages, if any, in accordance with
6 [Li v. Yellow Cab Co., 13 Cal.3d 804, 532 P.2d 1226 \(1975\)](#) and Civil Code §1431.2, *et seq.*

7 AS AND FOR A FOURTH SEPARATE AFFIRMATIVE DEFENSE, THIS
8 ANSWERING DEFENDANT ALLEGES:

9 The injuries and damages complained of by plaintiff, if any, were either in whole or in
10 part directly and proximately caused by the conduct or negligence of persons and/or entities
11 other than this defendant and said conduct or negligence eliminates or comparatively reduces
12 the proportion of negligence and corresponding liability which may otherwise be attributed to
13 this defendant.

14 AS AND FOR A FIFTH SEPARATE AFFIRMATIVE DEFENSE, THIS
15 ANSWERING DEFENDANT ALLEGES:

16 That plaintiff's cause of action is barred or, alternatively, that plaintiff's damages, if
17 any, are reduced by reason of plaintiff's and/or decedent's failure to mitigate damages, if
18 any.

19 AS AND FOR A SIXTH SEPARATE AFFIRMATIVE DEFENSE, THIS
20 ANSWERING DEFENDANT ALLEGES:

21 The complaint, and each cause of action therein, is barred in whole or in part by the
22 applicable statute of limitations, as contained in Code of Civil Procedure §§335 through 343,
23 inclusive.

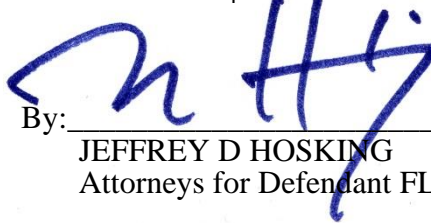
24 WHEREFORE, this answering defendant prays judgment that plaintiff takes nothing
25 by reason of the Complaint on file herein; that it be dismissed with costs of suit incurred
26 herein, and for such other and further relief as the court may deem proper.

27 **DEMAND FOR JURY TRIAL**

28 Defendant FLIXBUS, INC. hereby demands a trial by jury.

1 Dated: February 13, 2024

2 **McCAFFERY | HOSKING LLP**

3 

4 By: _____

JEFFREY D HOSKING

Attorneys for Defendant FLIXBUS, INC.

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McCAFFERY | HOSKING LLP
1777 Botelho Drive, Suite 360
Walnut Creek, CA 94596-5084
925.705.7358

PROOF OF SERVICE

Chavez v. FlixBus, Inc., et al.

Los Angeles Superior Court Case No.: **23STCV20361**

I am over the age of 18 and not a party to the within action; I am employed by McCaffery Hosking LLP, located at 1777 Botelho Drive, Suite 360, Walnut Creek, California 94596. My email address is awilliams@mhfirm.law.

On February 13, 2024, I served the foregoing document(s) described as

DEFENDANT FLIXBUS INC.'S ANSWER TO COMPLAINT

☐ by placing ☐ the original ☐ a true copy thereof enclosed in sealed envelopes addressed as follows:

by placing ☐ the original ☐ a true copy thereof enclosed in sealed envelopes addressed as follows:

☐ **BY MAIL:** I placed said envelope(s) for mailing with the United States Postal Service, with postage fully prepaid.

☒ **BY ELECTRONIC SERVICE:** Pursuant to *Code of Civil Procedure* §1010.6(a), I caused the document(s) to be sent to the parties at the electronic notification addresses listed below.

Jonathan Seber, Esq.

Phone: 310-651-7438

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Fax: 310-597-4707

Seber Bulger, LLP

280 S. Beverly Drive, Penthouse Suite

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Beverly Hills, CA 90212

Attorneys for Plaintiff

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed February 13, 2024 at Walnut Creek, California.


Anna Williams

PROOF OF SERVICE

Chavez v. FlixBus, Inc., et al.

I am over the age of 18 and not a party to the within action; I am employed by McCaffery Hosking LLP, located at 1777 Botelho Drive, Suite 360, Walnut Creek, California 94596. My email address is awilliams@mhfirm.law.

On February 20, 2024, I served the foregoing document(s) described as

NOTICE OF REMOVAL; CIVIL COVER SHEET; NOTICE OF INTERESTED PARTIES

☐ by placing ☐ the original ☐ a true copy thereof enclosed in sealed envelopes addressed as follows:

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Attorneys for Plaintiff

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed February 20, 2024 at Walnut Creek, California.


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